



Yukon Legislative Assembly

Number 55

1st Session

35th Legislature

HANSARD

Thursday, March 24, 2022 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

YUKON LEGISLATIVE ASSEMBLY

2022 Spring 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 — Emily Tredger, MLA, Whitehorse Centre

CABINET MINISTERS

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

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
Emily Tredger	Third Party House Leader Whitehorse Centre
Annie Blake	Vuntut Gwitchin

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Yukon Legislative Assembly
Whitehorse, Yukon
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Speaker: I will now call the House to order.
 We will proceed at this time with prayers.

Prayers

Withdrawal of motions

Speaker: The Chair wishes to inform the House of changes made to the Order Paper. Motion No. 346, notice of which was given yesterday by the Member for Lake Laberge, was not placed on today's Notice Paper as it is out of order; and Motion No. 349, notice of which was given yesterday by the Member for Vuntut Gwitchin, was not placed on today's Notice Paper at the request of the member.

DAILY ROUTINE

Speaker: We will proceed with the Order Paper.
 Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Ms. McPhee: I will ask my colleagues to help me welcome two visitors here to the Legislative Assembly today. We have with us Stephen Rotstein, who is the president of the Canadian Bar Association. I can note that he is also the first-ever public sector lawyer to be president of the Federation of Law Societies. With him is Sylvie McCallum Rougerie, who is the CBA Yukon branch president. Thank you for being here.

Applause

Hon. Mr. Pillai: I would also ask the Assembly to welcome Kelly Milner, who is here with us today — a well-known local producer and creator, as well as director with the Screen Production Yukon Association.

Applause

Speaker: Are there any tributes?

TRIBUTES

In recognition of the Northern Canada Producer Accelerator program

Hon. Mr. Pillai: I rise today on behalf of the Yukon Liberal government to acknowledge the contributions of the Screen Production Yukon Association to our territory and to our economy. The association supports, develops, and creates Yukon's screen media industry. They provide a broad range of professional development opportunities for producers and all above-the-line and below-the-line crew members. SPYA was incorporated as a non-profit society in 1999 as the Northern Film and Video Industry Association. If you are looking for a grip or electric equipment rental, crew members and/or production services, they are the people to talk to.

A high-value, high-return-on-investment sector, Yukon's media production industry is on a strong growth trajectory. This small but mighty sector is one of the anchors of our cultural

economy and annually contributes an estimated \$8 million to the Yukon economy. One-third of Yukon's 20 production companies are over 10 years old, creating about 86 full-time, private sector jobs. The industry generates over \$400,000 in tax revenue for the Yukon.

I would also like to recognize their executive director, Moira Sauer, and president, Teresa Earle, as well as Kelly Milner for their work on the creation of the Northern Canada Producer Accelerator program. This new undertaking has attracted the support of Canada's largest national broadcasters, including CBC, APTN, Bell Media, Blue Ant Media, Corus Entertainment, and Rogers Group of Funds. The program offers training, mentorship, networking, and market access to producers who reside in the Yukon or the Northwest Territories.

The Northern Canada Producer Accelerator program will select 10 content producers from across the Yukon and the Northwest Territories for this opportunity. After completing the curriculum and mentorship components, the participants will be offered customized pitch opportunities with national and international decision-makers. The deadline for applications is March 31.

This program will provide Yukon producers with the training and resources needed to advance their careers in the media industry.

In closing, the future of the northern media industry lies in supporting and training up-and-coming creators to meet their maximum potential. I'm very glad to see that these partners could come together to create something truly special that will pave the way for Yukon producers to tell their stories, and I'm excited to see the end results.

Applause

Ms. Van Bibber: I rise on behalf of the Yukon Party Official Opposition to pay tribute to a new initiative, the Northern Canada Producer Accelerator, or NCPA. The growth of the film industry in our beautiful north is being augmented by this new program that was announced in early March. Between Yukon and Northwest Territories, a call has gone out to apply to this amazing opportunity to grow, to be mentored, and to learn more about the film and TV industry. The goal of this program is to market some very polished northern content to the world. The application period started earlier, on March 10, and runs to March 31, 2022.

There will be a selection of 10 finalists from the two territories to participate. Through a series of time periods, finalists will take courses and will have completed a project by November 2022. The final steps give producers direct access to the market.

All submissions must adhere to a set of principles of equity, diversity, and inclusion and must be a registered business. Films around Yukon topics have been around for years. Even Hollywood loved the idea. In 1925, Charlie Chaplin's *The Gold Rush* is one such wonder. Then Jack London had many of his stories made into films, such as *The Call of the Wild*. This definitely raised awareness of the north.

For many years, NEDAA produced local content and stories about the indigenous people of Yukon and the changes and the history. It is still great to see some of those older films as the memory of people past resonates with many of us today.

The Department of Tourism and Culture originally housed a smaller film and sound portion where it provided funds to assist many local filmmakers and musicians with small amounts of funds. In 2004, the formation of our own Yukon Film and Sound Commission has made it more streamlined and accessible for artistic assistance. The goal then, as it is now, is to increase film and sound production, maximize employment in the industry, create sustainable growth, and showcase our local talent, be they musicians, filmmakers, crew members, or technical crews.

Now, an added level of national support for the industry is very welcome. So, those with aspirations to become part of the film and sound industry and have a business, get those applications in. We wish all who become finalists the best in their next project. Big screen or TV access might be in your future. Thank you, Mr. Speaker.

Applause

Ms. Tredger: On behalf of the Yukon NDP, I would like to add our congratulations to everyone involved in the Northern Canada Producer Accelerator. It takes a lot of work to get something like this off the ground, so thank you.

It's not always easy to be an artist in the north, often far from resources, mentorship, and broader audiences. This program will help fill that gap for northern filmmakers.

Yukoners have so many stories to tell. We all benefit from hearing them and the rest of the world will benefit from hearing them. We cannot wait to see the projects that come out of this program.

I understand that applicants have one week left to apply, so good luck to everyone.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Mr. Dixon: I have for tabling three letters. The first is dated January 19, 2022. It's addressed to the Minister of Health and Social Services from the Child and Youth Advocate with a request for consultation documentation on the amendments to the *Child and Family Services Act*.

The second is another letter from the Child and Youth Advocate to the Minister of Health and Social Services dated March 23, 2022 — yesterday — expressing concerns with Bill No. 11, *Act to Amend the Child and Family Services Act (2022)*.

I have, as well, a letter dated March 11, 2022 from the Yukon Information and Privacy Commissioner addressed to the Premier, the Leader of the Third Party, and me, with comments about Bill No. 11, *Act to Amend the Child and Family Services Act (2022)*.

Hon. Mr. Mostyn: I have for tabling a newspaper article and photographs from the *Whitehorse Star* dated September 7, 2011. The article and photos are regarding a sod-turning ceremony for a new Dawson City recreation centre on the eve of the 2011 Yukon territorial election — a recreation centre that was promised and never built by the conservative Yukon Party government of the day.

Hon. Ms. McPhee: I have for tabling a letter dated March 17, 2022 from the Council of Yukon First Nations Grand Chief Peter Johnston in relation to Bill No. 11, *Act to Amend the Child and Family Services Act (2022)*.

I also have for tabling a letter of response dated November 20, 2019 to the Porter Creek Secondary School Gender and Sexuality Alliance to correct information presented yesterday in Question Period.

I also have for tabling a copy of an e-mail that was sent to Mr. Jason Cook, who was here with us yesterday, that had the response letter attached.

Speaker: Are there any reports of committees? Petitions.

PETITIONS

Petition No. 11 — received

Clerk: Mr. Speaker and honourable members of the Assembly: I have had the honour to review a petition, being Petition No. 11 of the First Session of the 35th Legislative Assembly, as presented by the Member for Lake Laberge on March 23, 2022.

The petition presented by the Member for Lake Laberge meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

Speaker: Accordingly, I declare Petition No. 11 is deemed to be read and received. Pursuant to Standing Order 67, the Executive Council shall provide a response to a petition which has been read and received within eight sitting days of its presentation. Therefore, the Executive Council response to Petition No. 11 shall be provided on or before April 6, 2022.

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. Pillai: I rise to give notice of the following motion:

THAT this House supports the confidence and supply agreement.

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

THAT the Yukon Child and Youth Advocate appear in Committee of the Whole prior to the end of the 2022 Spring Sitting, with advance notice of the date of the witness' appearance provided to the Legislative Assembly by the Government of Yukon.

I also give notice of the following motion:

THAT the acting chief medical officer of health appear in Committee of the Whole prior to the end of the 2022 Spring Sitting, with advance notice of the date of the witness' appearance provided to the Legislative Assembly by the Government of Yukon.

Speaker: Is there a statement by a minister?

MINISTERIAL STATEMENT

COVID-19 relief and recovery fund for non-governmental organizations

Hon. Mr. Pillai: Over the past two years, our government has delivered a range of support programs to help Yukoners, local businesses, and organizations impacted by the COVID-19 situation. The Yukon's diverse non-profit sector is filled with thousands of dedicated individuals who care about making differences in the lives of Yukoners. Throughout this pandemic, non-profit and non-governmental organizations have faced challenges in raising funds and delivering services. They have shown great determination by continuing to provide essential services and supports to Yukoners across the territory.

That's why I'm happy to announce that our government has teamed up with Volunteer Bénévoles Yukon to launch a short-term COVID-19 relief and recovery fund for non-profits and non-governmental organizations. The program will provide up to \$10,000 to eligible non-profits and NGOs in the territory to help them keep their operations safe for the staff, volunteers, and clients as they recover from the impacts of the pandemic.

Eligible applicants include Yukon-based non-profits and NGOs that have been affected by the pandemic and have had to adjust their operations in order to continue delivering services to Yukoners. This funding will help organizations continue to pay staff, keep their doors open, and provide valuable community services as they resume fundraising and return to more normal operations.

Organizations will be able to retroactively access this support for costs that were incurred starting February 1, 2022. This program was designed in partnership with the Yukon Nonprofit Advisory Council and will be administered by Volunteer Bénévoles Yukon. This support program complements a number of programs being delivered through various levels of government to support the non-profit sector. Again, through consultation with the sector, we found that a number of highly targeted programs rolled out over the past two years did help many NGOs and non-profits, but did not reach all organizations in this sector. The COVID-19 relief and recovery fund will fill the gap and provide the accessibility and flexibility needed to support Yukon's NGO and non-profit sector while ensuring that Yukoners can continue to access the services that they rely on.

In closing, I would again like to thank the Yukon Nonprofit Advisory Council for all their work, Volunteer Bénévoles Yukon, and the Department of Economic Development for their hard work on this program. I look forward to seeing non-profits and NGOs continuing to thrive in our territory.

Ms. Van Bibber: Non-governmental organizations, or NGOs, do so much for our territory. They help the most vulnerable, they advocate for businesses, they support environmental initiatives, they organize and run many community events, and there are even NGOs that support NGOs.

As with many industries during the pandemic, the non-profit and NGO sector has been hit hard. Many rely on volunteers to operate, and during the pandemic, those volunteers have had other items on their mind or have had to take care of their own loved ones who are sick, so they haven't been able to give more freely of their time.

Others have had services reduced so much, employees have had to be laid off. That is why we are pleased to see this government program come forward and be run through the NGO that supports NGOs — Volunteer Bénévoles Yukon. The press release says that the relief and recovery fund will provide up to \$10,000 to eligible organizations to create and maintain a safe environment for staff and clientele, stabilize service delivery, resume fundraising activities, increase earned revenue, and take advantage of existing and future opportunities for recovery support through all levels of government.

Obviously, like us, the minister heard reports that some NGOs were seeing funding shortfalls due to the pandemic. Hopefully, this new program addresses those issues. However, I'm wondering if the minister can tell us how the government plans to support NGOs that are also dealing with the rising cost of heating fuel and electricity. The minister says that this money will help keep the doors open. How much of this money is enough to help deal with those rising costs?

Ms. White: Like many, we appreciate yesterday's announcement and today's statement on the new COVID-19 relief and recovery fund available for non-profits and non-governmental organizations. We, too, acknowledge that the last two years have been difficult for all, and I'm sure that this initiative will be a welcome relief, but I would like to suggest that the Yukon government can and needs to go further in their support for what amounts to the social safety net of the territory.

These organizations are the backstop that prevent many from falling through the cracks. This week, for the first time in a public way, I brought forward the concern of many of those who will qualify for this support about the human consumption of hand sanitizer. When the pandemic hit, alcohol-based hand sanitizer was available and given freely everywhere, including all Yukon government facilities. This availability is literally killing Yukoners. Alcohol-based hand sanitizer was never made to be safely consumed, but that's what we're seeing.

Had Yukon government stores still existed, we could have seen the Yukon government use its substantial buying power to support the purpose and use of non-alcohol-based hand sanitizers approved for COVID prevention by the Government of Canada. This action alone could have prevented what's currently happening, and what's about to happen, as this new

addiction takes root, but the Liberal government shut down that valuable resource.

I can't imagine a single organization that won't be applying for this emergency funding, but I also know of at least two critical community supports at risk because of a lack of realistic core funding support by this government. The Humane Society of Yukon reached out to the Minister of Environment in early March, highlighting that operational funding for this organization has remained fixed for years without any inflationary increase and is putting animal welfare at risk in the territory. The Second Opinion Society, after providing critical mental health supports for 30 years, was informed earlier this month that their funding was being reduced to a six-month contract — this after providing valuable virtual mental health supports throughout the pandemic. SOS was in the process of pivoting to an ongoing virtual service that had been supported by the Yukon government, which then changed its mind. These are just two examples of what some NGOs that provide critical services to Yukoners have gone through during the pandemic and continue to go through.

This pandemic has been hard on businesses and NGOs alike, but especially hard on NGOs that rely on government funding and fundraising to keep their doors open. Changes over the last few years have seen three-year agreements reduced to a one-year agreement or even less. This is not the way the government should be funding or treating NGOs that provide that critical safety net for Yukoners.

We are pleased to see this program announced, but at the same time, we feel strongly that this government needs to reconsider how they continue to support NGOs and non-profit organizations into the future.

Hon. Mr. Pillai: First, to the question from the Official Opposition concerning cost escalators, I think that our approach on this will be to continue to work with a group of individuals from the Yukon Nonprofit Advisory Council. They have done exemplary work. The leader in this has been Wendy Morrison, who has been the chair. She has done a phenomenal job. I would also just like to touch on the fact that Alex Jegier, the vice-chair, and individuals like Kristina Craig who have great visibility to what is happening with our communities and with our most vulnerable populations — Eileen Melnychuk, Tracey Bilsky, Lana Selby, and Lianne Maitland, as well as Bruno Bourdache from the Volunteer Bénévoles Yukon.

I think that in all these cases, we are looking at a multi-year approach. This is something that we have heard from these groups. Again, we will look at what the impact is of the financial allocations that we are making. We will take into consideration how many individual organizations put applications in, and that gives us a good opportunity to see if we are meeting their needs. What is important to know is that this was something that was very supported by this group of people. They really helped us to define and build this program. We really appreciate their volunteer time, of course, helping us make sure that we have the biggest impact.

I also want to just thank the Minister of Community Services, who was there with me along the way making sure

that we built this program and was in those meetings with the organizations.

I won't get into too many specifics. I trust — and I think that all Yukoners can trust after seeing the last two years that our public service does exemplary work. I know that the Department of Environment and the Department of Health and Social Services will engage with those organizations. And I am sure that those organizations, both of which have great leaders, will make sure that they get to the table and we can come up with some solutions. I look forward to those particulars that I don't have all the details on.

Again, I truly appreciate the advice from the Leader of the Third Party, who has worked with lots of NGOs. This is something that we are going to have to keep a very close eye on, and we are going to have to continue to watch how NGOs have been impacted over the last number of years, understanding that they fill very important gaps in service that we see in our communities. We really count on them to keep Yukoners safe and smiling and with the best quality of life that they possibly can have.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: *Child and Family Services Act* amendments

Mr. Dixon: Since the Liberal government tabled amendments to the *Child and Family Services Act*, a range of stakeholders and officers of the Legislature have raised red flags. Yesterday, the Child and Youth Advocate wrote to the minister. In that letter, the advocate said — and I quote: “I am gravely concerned that your government intends to push Bill No. 11 through to third reading in the Legislative Assembly without making the amendments necessary to ensure the Bill upholds the rights of children and is compliant with the *United Nations Convention on the Rights of the Child*.”

How does the minister respond to these grave concerns raised by this independent officer of the Legislature?

Hon. Ms. McPhee: I am happy to see that the Yukon's Child and Youth Advocate has joined us here in the Legislative Assembly today. I look very much forward to addressing all of the issues that have been brought forward to our attention and to the attention of the Department of Health and Social Services during the debate, which will take place later today, or at least begin later today, and I look forward to that conversation very much.

The individual issues brought forward deserve answers; they deserve to be discussed, and I look forward to that happening in Committee of the Whole.

What I can say and should say about Bill No. 11, which is before this Legislative Assembly, is that it is innovative and it is groundbreaking. It has been developed in partnership with Yukon First Nations, and it is designed to address the overrepresentation of indigenous children in our child welfare system. That is a progressive piece of legislation, and I look very much forward to it passing this House and the debate that will happen before that.

Mr. Dixon: Unfortunately, those answers and that discussion should have happened before the bill came to the Legislature.

The letter goes on to say that over the past year, this minister has ignored repeated requests from the office of the Child and Youth Advocate for the information and documents necessary to conduct their review of the bill. Here's a quote from the letter: "... your Department of Health and Social Services has essentially ignored our formal requests since May 2021 for a draft of Bill No. 11 for the express purpose of conducting our CRIA well in advance of the Bill being tabled..."

Why did the Minister of Health and Social Services ignore the repeated requests of the Child and Youth Advocate?

Hon. Ms. McPhee: Thank you for the opportunity to stand. Once again, the members of the opposition prove unreliable with respect to the information presented here.

Repeated requests were not ignored. Our work was ongoing. The draft bill was provided to the Child and Youth Advocate as soon as it was ready. A number of other pieces of information requested by the Child and Youth Advocate were provided to her office for the purposes of her doing her work and her evaluation, and we looked very much forward to that.

We did, in fact, receive a report that has been considered very carefully by the Department of Health and Social Services, and those individuals — all 14 representatives of Yukon First Nations in the territory, with 12 at the table all the time and two who were kept informed throughout the process — have looked at the concerns expressed in that report. We certainly look forward to further discussion with respect to this matter.

The draft Bill No. 11, as I have said, is groundbreaking. It will serve Yukon children. It will serve Yukon indigenous children in a way that has never before been seen and certainly wasn't seen in the bill that was brought forward by the members of the opposition in 2010.

I certainly look forward to further discussion.

Mr. Dixon: Well, Mr. Speaker, I have simply read a direct quote from the letter that was tabled earlier that was addressed to the minister, sent yesterday by the Child and Youth Advocate indicating that her department had ignored repeated requests for information.

Despite ignoring repeated requests over the past year to provide the necessary material for the Child and Youth Advocate to conduct a child rights impact assessment, or CRIA, the advocate was able to complete one in time for the tabling of this bill.

The CRIA makes it clear that amendments are needed to the bill in order to uphold the fundamental rights of children. Will the minister agree to make the legislative amendments recommended by the Child and Youth Advocate?

Hon. Ms. McPhee: I think I have been clear. I'm very excited about the opportunity to debate Bill No. 11. It is on the legislative Order Paper for today. I look forward to having discussions with all members of this Legislative Assembly about any issues that they choose to bring forward, and I absolutely expect that we will also be discussing the issues raised by the Child and Youth Advocate. I certainly appreciate

her doing so, so that we can have a full debate with respect to the impact and the importance of this legislation.

Question re: Physician recruitment and retention

Mr. Cathers: According to numbers provided by the Minister of Health and Social Services, over one-fifth of Yukoners do not have a family doctor. Fixing this is a top priority for Yukoners, and it should be a top priority for this minister. We have raised this repeatedly and urged government to take action, including reinstating the physician recruitment position that previously existed.

During the Fall Sitting, the minister was unable to point to any real action that she was taking to fix the doctor shortage. My question today is simple: What action, if any, has the minister taken since the fall to encourage more family doctors to move to the Yukon?

Hon. Ms. McPhee: Once again, the members opposite have proven unreliable, and I don't think it's a service to Yukoners for them to be providing information that is incorrect.

The *Putting People First* report found that approximately 21 percent of Yukoners do not have access to a family physician. As we implement *Putting People First* to address that concern, we remain committed to expanding Yukoners' access to primary health care services.

Our government is absolutely aware of the concern. We work with many Yukoners in relation to their concerns about primary care practices or acute care facilities here in the territory. We have addressed these issues in a number of ways and continue to work on this file every day.

The pandemic has significantly impacted our ability to recruit physicians and other health care providers, as it has across the country — this being a national issue. There are a number of opportunities that we have taken here in the territory to reduce the individual's concerns and to address having acute care professionals available to Yukoners.

I look forward to further answering this question.

Mr. Cathers: The minister likes to effectively claim "fake news" if she doesn't like the fact, but I would remind her that it was on this very issue last fall that the NDP were mocking her math.

Talking points are not action, and that seems to be all the minister has on the issue of family doctors.

Yukoners who need a family doctor are looking for action, not talking points. This Liberal government has the worst record in the entire country on doctor recruitment. According to a report by the Canadian Institute for Health Information, the number of physicians per capita increased in 10 provinces and two territories between 2015 and 2019. Only one jurisdiction, the Yukon, got worse — under this Liberal government. We have the lowest ratio of family doctors per capita. The obvious cause is the lack of real action by the Minister of Health and Social Services.

Maybe this is one of the reasons that the Third Party doesn't think it's safe for the minister to be in Cabinet. Can she point to a single real action that she has taken to fix this crisis?

Hon. Ms. McPhee: I'm happy to respond to this question, as I have on repeated occasions. We continue to

explore options to connect Yukoners, recognizing the concern with primary health care services. We have adopted *Putting People First*, which will dramatically change and shift the way in which medical services are provided here in the territory. We have initiated a “find a doctor” program, which has matched more than 1,100 Yukoners with a family doctor, and we have expanded access to virtual care alternatives here in the territory and throughout — the opportunities for individuals to have access to virtual care alternatives.

I can indicate that we have expanded our opportunities to contract and hire additional nurse practitioners to have service — to expand some services at additional existing clinics. We are working to operate a bilingual health care clinic, which will provide primary care to individuals. We have also been working to access options for a professional recruiter or recruitment firm. We have been working with the Yukon Medical Association with respect to recruiting physicians and that concern.

I look forward to more questions.

Mr. Cathers: Again, we heard talking points, but no real actions. If there are no doctors taking patients, a matchmaking service is not much help. This Liberal government, despite the Premier’s laughter, has the worst record in the entire country on family doctor recruitment. Yukoners take this issue seriously; so should the Premier and his minister.

In five years, every other province and territory in the country had an increase in family doctors per capita. Only in the Yukon under this Liberal government has the issue gone so badly that the ratio of physicians per capita has gone downhill.

Since becoming Minister of Health and Social Services last year, the walk-in clinic closed. This problem is actually getting worse. Family doctors are leaving the Yukon and the population is growing.

Will the minister agree to actually make doctor recruitment a top priority, reinstate the physician recruitment position, and work with the Yukon Medical Association on an urgent strategy to encourage family doctors to move to the Yukon?

Hon. Ms. McPhee: Actually, I can and will agree to all of those points by the member opposite because they are already happening at the Department of Health and Social Services.

First of all, let’s just talk about the walk-in clinic for a second, which is a private business that closed last year. Our response is to work with the Yukon’s local health community to reopen a walk-in clinic, so that can serve Yukoners in the Whitehorse area or across the territory if they are here in Whitehorse. Our work to open that walk-in clinic, which is unprecedented in this territory, despite the fact that there have been other times when medical services have been reduced for Yukoners — but has never happened before.

The amount of \$89,000 has been put aside for nursing education bursary and health profession education bursary programs. It is something that the member opposite likes to ask about a lot. It is available for 16 new health-related education bursaries here in the territory each year through the Department of Health and Social Services. In addition, the Department of Health and Social Services provides \$150,000 to the Yukon

Registered Nurses Association, which administers the continuing nursing education fund.

Between 2019 and 2020, Yukon’s supply of resident physicians increased by approximately eight percent.

Question re: Support for seniors

Ms. White: The Yukon’s senior and elder population is growing every day and we see the need for a wide variety of services in place to support them, yet this government is constantly falling short. There are hundreds of seniors without a family doctor. There are seniors living in their cars because they have been priced out of the rental market and seniors who can’t afford hearing aids, dentures, or glasses, and the list goes on.

Aging in the Yukon is only getting more expensive, and right now, seniors and elders are being priced out of basic health care. We need more support to allow people to age in place, we need home care services across the territory, and we need better access to primary care and specialists alike.

Will the minister recognize the gaps in services for seniors and fix them?

Hon. Ms. McPhee: In September 2020, the aging-in-place action plan was released. It was based on extensive public engagement with more than 1,200 people from across the territory.

Its vision is to ensure that all Yukoners, regardless of age, income, or ability, have access to the supports that they need to live safe, independent, and comfortable lives in their own home or community for as long as possible. The first aging-in-place annual report will be publicly released in the very near future.

We work with the individuals who are representatives of the aging and seniors and elders community here in the territory on a regular basis. This is a top priority for us. We recognize that the Yukon population is, in fact, aging and that an aging-in-place action plan and all of the situations with respect to elders will continue to become more and more prevalent in our community.

We’re looking forward, we’re looking ahead, we’re working with the community, and I look forward to further questions.

Ms. White: Like so many problems in the territory, this government is happy to let someone else deal with it. A new private senior facility in the Yukon has been in the works for decades, and the government has pumped millions of dollars into this project already. But it’s impossible to find out who will be operating it. The last time we got a clear answer from this government was in 2018 in a tabled response from the then-minister when they said that it would be run by Connecting Care.

Connecting Care is notorious for chronic understaffing and poor quality care in their other facilities. At one of their Alberta facilities, staffing was so low that seniors went without showers for months at a time. Of the 130 seniors who lived there, 93 got COVID. That’s just one example among many.

Can the minister confirm whether Connecting Care will still be operating this facility? If they aren’t, who will?

Hon. Ms. McPhee: I think it is incredibly important that we recognize the services that must be available for our seniors and elders in our community.

The aging-in-place action plan has been developed with Yukoners by Yukoners. I think one of my colleagues said yesterday that this is not our report; this is Yukon's report. That must be abided by and it must be considered.

The report summarizes the progress that has been made so far toward implementing the 56 recommendations. That's the annual report that will be issued very quickly. The responsibility to implement the actions is shared across seven Yukon government departments and agencies. These departments and agencies are working collaboratively with partners — including First Nation governments, non-governmental organizations, and community groups — to implement the aging-in-place actions and to achieve our common goals.

Of the 56 recommendations — and action plan — 45 actions, or 80 percent, are complete, underway, or in the planning or development stages; 11 actions, 20 percent, have not yet been started. We look forward to continuing this work together to the benefit of seniors and elders here in our territory.

Ms. White: It's unfortunate that we didn't get an answer. So, private senior care will make cuts to everything before cutting into profits. That's literally their business model.

But slashing basic care didn't start with the pandemic. Every year, more seniors die of neglect, dehydration, and preventable infections in private residences compared to public ones. Despite all of this, the minister hasn't put a single regulation in place to protect folks who will be living in the new private seniors assisted-living facility.

Regulations for public facilities won't apply to this new facility, so we're looking at a completely unregulated facility that will soon host seniors and elders.

Will the minister introduce regulations for this facility in the Yukon?

Hon. Ms. McPhee: I really appreciate the opportunity to speak to this important issue because seniors and the aging population here in the territory is something that absolutely is critical. I can note that, with respect to long-term care — I'm not sure about the allegations or the accusations made in this question, but I certainly will follow up on them. Our government is committed to culturally safe and responsive health and social services.

As part of this work, the Department of Health and Social Services is enhancing programming to recognize, honour, and celebrate Yukon First Nation history, culture, and traditional practices and to support spiritual well-being of First Nation residents living in long-term care homes and their families.

I would like to take the opportunity to thank those workers in our long-term care homes who have been front-of-line and kept our seniors and elders safe during the last two years of this COVID-19 pandemic. It is not over; they have struggled on a daily basis to come to work to make sure that their patients and their clients are safe and well-cared for, and they should be celebrated with respect to that opportunity.

Our long-term care services here in the territory are second to none.

Question re: Ross River School

Mr. Hassard: The school in Ross River is the heart of the community. Unfortunately, the school continues to be plagued with structural issues, but this Liberal government's only solution has been to apply band-aid fixes.

When asked in the legislature what the government is going to do long term to fix this school, the previous Minister of Highways and Public Works talked about a new roof and paving the parking lot. These do not address the fact that the walls are cracking and the school is slowly sinking into the ground.

Since the previous minister didn't think fixing the Ross River School was important, what will the new minister do to actually fix the school in Ross River?

Hon. Mr. Clarke: The health and safety of students across the territory is, of course, a top priority for the Yukon government. The Ross River School continues to be inspected quarterly by a multidisciplinary team that includes an architect, a structural engineer, a geotechnical engineer, and a surveyor. I can advise today that the latest building condition inspection report was completed in March of this year and confirmed, as we expected, that the school remains safe for occupancy.

The next inspection will occur in May of this year. Work will continue on the existing school to keep it safe and to help prevent structural movement. By way of background, the Ross River School has been undergoing quarterly inspections to monitor for any structural issues.

Mr. Hassard: Again, no answer for the people in Ross River.

Over the last three budgets, the Liberals have budgeted roughly \$8.5 million for the Ross River School, but they have only spent just over \$2 million of that. The evidence demonstrates that fixing this school is not a priority for this Liberal government, and everyone knows that if this school was in the City of Whitehorse, they would have treated this as a top priority.

Can the minister explain why the government has lapsed over \$6 million in the last three years of funding that was supposed to go toward important remediation work for the school in Ross River?

Hon. Mr. Clarke: The health and safety of students across the territory is a top priority. The safety of all school structures is a priority for this government. The member opposite will know that there are ongoing discussions with the community of Ross River and the Ross River Dena Council with respect to a possible new site for a school at some point in the future. Those conversations are ongoing, but in the interim, there are these four-times-per-year inspections of this current school indicating that there are no substantial concerns.

Is it built on impermanent permafrost? Absolutely, as is a lot of the community of Ross River; hence the discussions about a redeployment of a possible school site going forward. Those discussions are going forward and we certainly hope that they bear fruit in the future.

Mr. Hassard: So, more talk about priorities, but no real answers. Yesterday, when we asked about the new Dawson City rec centre, the Minister of Community Services said this about the condition of the building — and I'll quote: "... it's really awful. You wouldn't believe the gaps in the boards, and the work that the maintenance staff is doing to try to keep that facility operational..."

Well, the Ross River School has cracks in the walls, the building is sinking into the ground, the floor is twisting, doors don't close properly — Mr. Speaker, the conditions are deplorable, and these conditions would not be tolerated in a Whitehorse school.

Why doesn't the government feel that the Ross River School deserves the same level of priority as a rec centre?

Hon. Mr. Mostyn: I'm happy to rise today and talk about — I mean, the members opposite are talking about recreation facilities now, and I'm happy to talk about all the work we're putting into recreation facilities across the territory.

The member opposite is absolutely correct. The Dawson City rec centre is problematic. It has been problematic for a long time. As we saw earlier today, I tabled a document. In 2011, the Yukon Party dug a hole in the ground. Then, five years later, in 2016, the now Leader of the Yukon Party was still digging that hole. This is the party of band-aids and broken dreams. They promise things on the eve of election, and they don't deliver. That's what we're seeing again and again.

This government is investing in our Yukon in a way that hasn't been seen in decades. We are building schools, we're building recreation centres, we are building the infrastructure that will drive the territory into the future, and I'm happy to talk about this all afternoon.

Question re: Child Development Centre building

Ms. Clarke: Last summer, evidence of mould was discovered at the Child Development Centre building. As a result, the facility was closed, and the CDC was relocated and bounced around into temporary spaces throughout the city. This has created a disruption for this important organization, as some employees have already relocated multiple times in the last year.

Can the Minister of Highways and Public Works tell us what the plan is for the old Child Development Centre building? Will it be remediated, or will it be demolished?

Hon. Mr. Clarke: Thank you for the question from the member opposite. The safety and suitability of government buildings is a priority for the Department of Highways and Public Works.

As the member opposite identified, in the spring of 2021, the Child Development Centre experienced extensive leaking from the extreme snow load last winter, leading to water damage in the building.

During the remediation work last July, the walls and ceilings were opened, and the contractor found evidence of mould. Once evidence of mould was found, the building was immediately closed to facilitate the testing process. One week later, the tests confirmed mould on the main floor. The department has determined that extensive work is required to

remediate the current building, and it will not be available for the Child Development Centre in this school year. We are currently working on next steps for this building.

Ms. Clarke: The Child Development Centre provides essential services and outreach to our community. Disruptions to their activities and services need to be dealt with swiftly. We know that the government has hired a consultant to develop cost estimates with respect to dealing with the mould at the facility.

What is the current cost estimate for remediation or demolition of the existing Child Development Centre building?

Hon. Mr. Clarke: Thank you for the question. As the member opposite has accurately identified, the work is ongoing. However, I can advise that the remediation contractor took appropriate measures to protect the safety of workers and the public once mould was discovered.

The Child Development Centre is an addition to the Education building, but does not share the same ventilation system. The cost estimate for remediation of the mould ranges, depending on whether the building will be demolished or renovated. If renovated, there will be significant additional costs, of course, for roof repairs, interior renovations, and building code upgrades.

The department is currently reviewing all information in order to make a reasoned and financially and fiscally responsible decision on whether the building should be demolished or renovated to meet other Yukon government space needs. This process will take some time, and the Child Development Centre has been informed that they will not be moved back into the building in the foreseeable future.

This government recognizes the fantastic work that the Child Development Centre does, and all members of the government on this side of the House have visited the Child Development Centre at various times to be briefed on the wonderful work that they do for all manner of children in the Yukon.

Ms. Clarke: Most recently, a large number of staff from the Child Development Centre were required to relocate from NVD place to Copper Ridge Place. Much of the rest of the staff are located in other buildings and offices throughout the city. It is untenable for staff to continue to be bounced around and separated from each other all over this city. A long-term space is required.

What is the government's plan to provide a long-term space to the Child Development Centre, and when will it be in place?

Hon. Ms. McLean: Thank you for the question today. I certainly want to speak to the Child Development Centre's important work in helping families and young children access early learning and therapeutic services. This is very vital work that they do, and I thank them for that.

It is unfortunate that the Child Development Centre had to relocate from their building. We appreciate their flexibility and ability to move and quickly resume their service delivery, including the therapeutic preschool. We have committed to supporting the CDC financially and logistically while they work through these moves. Department officials are in regular contact with CDC staff.

Again, I thank them for their work. I think that the Highways and Public Works officials acknowledged the work that they have done to work quickly to find alternatives. We will continue to work with the Child Development Centre and find the best location and/or facility for them to continue their services. Again, thank you to the Minister of Highways and Public Works for the work that he has done to pay close attention to this very important matter.

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: 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

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

The matter now before the Committee is general debate in Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*.

Do members wish to take a brief recess?

Some Hon. Members: Agreed.

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

Recess

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

Bill No. 11: Act to Amend the Child and Family Services Act (2022)

Deputy Chair: The matter before the Committee is general debate on Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*.

Is there any general debate?

Hon. Ms. McPhee: I am just welcoming two folks from the Department of Health and Social Services. Please have a seat. We have with us Geri MacDonald, who is the director of Family and Children's Services, as well as Caitlin Knutson, who has worked extensively on this Bill No. 11 and is here to support us during this debate. Thank you both for joining us.

I would like to proceed with some opening comments with respect to Committee of the Whole, and I look forward to our discussion of Bill No. 11.

Thank you for the opportunity, Deputy Chair, to rise today to speak to this Bill No. 11, *Act to Amend the Child and Family*

Services Act (2022), and to speak about it. This is my opportunity to indicate the importance and the critical reasons that we have brought this particular piece of legislation forward.

I should note that Caitlin Knutson, who is with us, is a senior policy advisor with the Department of Health and Social Services and has worked extensively on this bill. I really appreciate the support from both she and Geri MacDonald here today.

I want to again take the opportunity to acknowledge the work and the dedication of Yukon First Nations and the Council of Yukon First Nations in the development of this amending bill, as well as the recommendations put forward by the independent advisory committee in its final report, called *Embracing the Children of Yesterday, Today and Tomorrow*.

This government-to-government collaborative process on the amendments responds directly to the Truth and Reconciliation Commission's calls to action, specifically the call for all levels of government to work together to address the overrepresentation of indigenous children in care.

Over the past five years, we have been working hard to reduce the number of children in the care of the director of Family and Children's Services. In December of 2021, there were 84 children in out-of-home care here in the territory, and 72 percent of those were Yukon First Nation children.

A key component of this work has been to shift toward working together with families and communities to find extended family members who are able to care for children instead of bringing children into care and into the custody of the director. That is a key shift of the Department of Health and Social Services in collaboration with our work with Yukon First Nations.

As I noted at second reading, this history of this bill coming to the floor for debate is extremely important.

In 2018, the *Child and Family Services Act Review Advisory Committee* was established by the then-Minister of Health and Social Services. This independent committee determined the mechanisms for gathering information for its own review. Committee members completed 18 months of public engagement, travelled to all Yukon communities, and held meetings and interviews with Yukon First Nation community organizations and individuals. There were focus groups, community-specific meetings, individual meetings, written submissions by individuals, community organizations, experts, and key stakeholders.

This extensive consultation resulted in the *Embracing the Children of Yesterday, Today and Tomorrow* report. That was tabled in this Legislature in October 2019. The *Child and Family Services Act* steering committee was established in July 2020 with representation from 12 Yukon First Nations. It was co-chaired by the Council of Yukon First Nations' executive director, Shadelle Chambers, and by Geri MacDonald, who is here with us today, the director of Family and Children's Services with the Government of Yukon.

The mandate of this steering committee was to review all required actions from *Embracing the Children of Yesterday, Today and Tomorrow*. The committee also reviewed the federal

act, *An Act respecting First Nations, Inuit, and Métis children, youth and families 2020*, to address any discrepancies between it and the Yukon's *Child and Family Services Act*.

The *Child and Family Services Act* executive partnership committee was established to provide guidance and oversight to the steering committee. It had representation from three Yukon First Nations and two Health and Social Services assistant deputy ministers.

The amending bill that we present to you today is the outcome and the result of many months and hundreds of hours of concerted effort by all parties involved.

I would like to take a moment to speak about some specific provisions of this bill. The definitions, the guiding principles, the service delivery principles, and the best interests of the child have all been amended. They have been amended to update the preamble to clarify the Yukon government's commitment to reconciliation, working government-to-government, family preservation and reunification, honouring cultural and community connections, and to acknowledge historical trauma caused within and by the child welfare system.

The guiding principles have been amended to update the service delivery principles and to update the guiding principles and to focus and strengthen the act's foundational guidance, which centres on the best interests of the child, preserving and reunifying families, reflecting values that are fundamental to Yukon First Nations, and involving and connecting with communities and culture.

It has been updated with respect to the best interests of the child to more fully consider the child's need to be protected from harm, the importance of family integrity and connections with community and culture, as well as to match the best interests of the child framework established in *An Act respecting First Nations, Inuit, and Métis children, youth and families 2020* — the federal legislation.

It has been updated to add a definition of "preventive" that clarifies the preventative services that are intended to preserve families that have an identified protection concern and to work to prevent further escalation of risk, which will prevent the potential need to separate children from their families.

It has been updated to add a purpose statement that clarifies that the *Child and Family Services Act* is the legislated scheme for children who are in need of protective intervention and for adoptions.

Sections 6 through 9 outline the collaborative process to develop a case plan for any child in need of protective intervention. This process is child- and family-led and intends to bring together important supports and people to collaborate on a plan for the child. This amending bill will replace the phrase "family conference or other cooperative planning process" with "collaborative planning" as the preferred practice for developing a case plan. This is truly innovative.

The amending bill will require the director to make all reasonable efforts to use a collaborative planning process when developing or renewing a case plan, including for interim case plans.

The amending bill will specify that the collaborative planning process and alternate dispute resolution mechanisms

may include culturally appropriate approaches, such as peacemaking circles or family circles.

The amending bill will require the director to invite an authorized representative of each Yukon First Nation and indigenous governing body of which a child or their parent is a member. The amending bill will add the persons in whose care the child is to the list of invited participants and specify that counsellors and social workers are relevant service provider participants.

Under the current act, sections 10 through 20 outline the types of written agreements that a director can establish to provide supportive programs and services to children, youth, families, extended family members, or others. These agreements cover a range of care scenarios, including when a child or youth is residing with their parents, extended family, or if they are in out-of-home care or are transitioning out of care and into independent living.

This bill will expand supports and written agreements to include prenatal services for expectant parents at risk of becoming involved with child protection once the child is born. It will expand eligibility for transitional supports and written agreements to youth who are turning 19 and/or are under the age of 26. It clarifies that youth who were previously placed in extended family care by their parent or by a court order for a total of at least two years are eligible for transitional supports. It will permit the director to extend transitional supports and written agreements beyond a person's 26th birthday in exceptional circumstances related to achieving goals set out in their care plan — such as finishing school, a degree, or other training, for example — and identify additional transitional supports for a successful transition into independent living. It will help with tuition or income or safe housing if necessary.

The amending bill will clarify the purpose of the transitional case plan and the need for amendment and permit the use of a collaborative planning process when amending. It will extend the term of agreements with extended family members from the typical six months to 12 months in order to reduce the risk of disruption of supports. It will require a case plan for the provision of supports under all agreements. That case plan must be reviewed every six months for as long as an agreement remains in place or 12 months in the case of an extended family agreement. It will remove a "special needs agreement" for children with disabilities to avoid forcing families to enter the child welfare system in order to receive services solely to meet the complex needs of their children.

Another innovative change is that the Government of Yukon's Social Supports branch now provides a comprehensive continuum of disability supports and services throughout a person's lifetime. The *Child and Family Services Act* will support children with disabilities who have a protective concern. It will clarify that a child, a youth, or a family may self-refer and request an agreement for supports and specify that a child or youth must be in need or at risk of protective intervention for the directive to offer most supports, excluding prenatal or transitional supports. It will permit the director to offer supports without a written agreement in an emergency or

on a short-term basis — for example, while a case plan is being developed.

Although the current act sets out the criteria for determining when protective intervention is needed, as well as the processes by which the need for protective intervention is identified and investigated, the bill will further refine these processes and bring much-needed clarity.

With respect to the criteria for determining when protective intervention is needed, the bill recognizes and will further clarify emotional harm and its possible sources. It will further clarify and describe abandonment. It enables and provides an alternative option to an intrusive child protection investigation when the parents of a child are cooperative and can be supported through voluntary services. This option is only for non-criminal matters, of course, and when there is acknowledgement by the parents of the child protection concern. The director must also notify each First Nation and indigenous governing body of which the child or parent — either parent or both parents — is a member in both circumstances when there is an investigation and when the parents are cooperating and report the results of the investigation to those parties.

For children who need to come into the care or the custody of the director, case plans need to be developed as described under sections 44 and 45. These case plans will also be developed using a collaborative planning process. The bill also requires that a cultural plan has to be completed. These cultural plans will be for all children in the care of the director. There will be supports and respect for cultural activities and teachings, no matter the culture that the child is from.

All case plans will be reviewed every six months, and the director will be required to invite participants of the collaborative planning process to participate in the review of that process.

There are a few amendments that pertain to court processes and the party status to a proceeding. The amending bill will require that the director notify the child's birth parents of the application and hearing and ensure that they are served relevant documents, even if they do not have custody of a child. The changes require the director to notify each Yukon First Nation and indigenous governing body of which the child, or their parent, is a member. By contrast, the current act only requires that the child's Yukon First Nation be notified. That is not satisfactory any longer.

The amending bill will provide a right to be a party to a court application to a child's birth parents, except in situations of adoption, to their extended family members or other persons to whom the parent has given care of the child, and each First Nation and indigenous governing body of which the child, or their parent, is a member. This is truly exceptional.

The amending bill will place a maximum of a 70-day limit for each adjournment to a hearing and add factors that the judge must take into account before granting an adjournment, such as the best interests of the child, whether the adjournment will promote family reunification, and whether the adjournment will impact a timely return of a child to their parent or the child's access to community and culture.

The changes will enable a judge to extend the time period a child is in temporary custody to allow families to continue working with Family and Children's Services to address their child protection concerns and work toward family reunification.

Currently, the judge must generally make a continuing custody order if a certain total cumulative time period for temporary custody is met. This practice — this requirement — may well disrupt family reunification efforts, so it's being changed.

Under the current act, the director must place a child who is in their temporary custody or continuing custody in a foster home or a group home. The act also sets out certain rules and considerations for the director to follow when placing a child.

Bill No. 11 will enable the director to place a child with an extended family member or someone else living in the child's community if placing the child on a short-term basis. It will enable the director to place a child in their temporary custody or continuing custody with an extended family member, subject to the director's ongoing supervision, to ensure the children remain in their communities.

The bill will add criteria for the director to consider when determining whether or where to place a child in out-of-home care in order to ensure that children remain with siblings and close to their parents and their extended family members and thereby preserve their cultural and community connections. This will be the law.

Bill No. 11 specifies that "sibling" includes sibling-like relationships, as identified by the child or a parent, such as a cousin or a close friend. It clearly extends the connections for children with their close family and culture.

The bill will enable the director to apply for a court order to obtain information from a third party if it is relevant to their ongoing duties, such as determining who should be allowed to contact or visit the child in their care or their custody and to set out conditions relevant to both the application and the order, if granted. The check and balance here is that it is an application to a court.

The current act sets out the process for adoption processes in sections 95 through 155. Bill No. 11 will clarify that adoption-related information can only be shared as outlined in division 6, also known under the title of "Adoptions". Bill No. 11 will also require the consent of Yukon First Nations and indigenous governing bodies prior to the adoption of an indigenous child.

There were a number of administrative and service quality accountability amendments in the bill. The bill will better facilitate the collection and disclosure of personal information and personal health information by the director if it is appropriate and related to a child protection concern. It will also require the minister to publish an annual report and to specify the content of the annual report to improve transparency and accountability. It will enable the director to share information relating to the provision of services with Yukon First Nations, indigenous governing bodies, the federal government, and provinces and territories, as need be.

It will provide regulation-making powers with respect to the requirements for short-term placements, and it will provide regulation-making powers with respect to transitioning —

Deputy Chair: Order.

Mr. Dixon: I appreciate that and I appreciate the minister's opening remarks. I realize that the minister has opening remarks and so I would like to offer her the opportunity to continue them.

Hon. Ms. McPhee: I appreciate that; I was very near the end. My opportunity was to, again, thank child and family services — the act advisory committee — for embracing the *Children of Yesterday, Today and Tomorrow* report and the *Child and Family Services Act* steering committee for the government-to-government discussions that led to the proposed amendments and the Council of Yukon First Nations.

These amendments are the result of so much time and focused efforts toward reforming our child welfare system by putting children and their interests at its centre. These amendments are the next step on our path forward to reform and work together with Yukon First Nations toward healthy, safe, and supported children and families. I appreciate the opportunity to finish my note.

Mr. Dixon: I appreciate the minister's opening remarks on this bill. I would like to join the minister in welcoming officials from the department here. I appreciate their presence to aid the minister in responding to our questions and discussion with regard to this bill.

I am aware of the general desire to see this bill to move forward with a certain degree of speed, so I will forego the normal opening speech that MLAs, in responding to a bill, may offer, and I would point to my comments at second reading.

I will begin then by getting right into some questions. I would like to begin with the consultation process for the development of the bill. Obviously, the *Embracing the Children of Yesterday, Today and Tomorrow* report, which was completed by the advisory committee a number of years ago, was a guiding document for this legislative work, so I am wondering if the minister can offer a bit of an explanation of how that report was taken by the government, how it was interpreted, thought about, and implemented into the act or the bill that we see before us.

I would also like for the minister to explain a little bit about how this report, *Embracing the Children of Yesterday, Today and Tomorrow*, was dealt with by — the minister could correct me here — either a steering committee or an advisory committee that was made up of Yukon First Nation representation as well as the Yukon government — so how that advisory or steering committee interpreted this report and dealt with it and how this report was used to inform the creation of this bill.

Hon. Ms. McPhee: I thank the member opposite for the question. This is an incredibly important aspect of the process to getting here today with this bill. I can advise that the steering committee went through each and every one of the — I guess they are recommended actions as opposed to — or “required” I think is the wording that is used — required actions instead of recommendations, so, let's use that language — the “required

actions”. The steering committee went through each and every one. They provided their advice to government on the required actions related to the report of *Embracing the Children of Yesterday, Today and Tomorrow*.

The first phase of that implementation project, or of the *Child and Family Services Act* implementation project, was focused on legislative requirements and the required actions that were necessary in relation to those required actions.

The next phase will focus on the implementation of these amendments and the broader Family and Children's Services policy and practice reform. It should be noted — many policy and practice reform actions are currently underway in anticipation of the work that will be needed to bring innovative approaches through policy and practice.

Of the 149 required actions, 26 were not accepted. These required actions were not accepted for various reasons, including that they would expand the scope of the *Child and Family Services Act* too broadly for its focus or they would erode parental custodial rights, which may impact the child's and the parents' voices in the decision-making process. It might be that they were not accepted because they were not consistent with other parts of the legislation or they weren't practical and may not impact the outcomes for children and families in the child welfare system. Noting that the focus of this *Child and Family Services Act* Steering Committee was to encompass the required actions of *Embracing the Children of Yesterday, Today and Tomorrow* into the *Child and Family Services Act* in a way that did not impact parental or custodial rights or the children's voices or any of those things in an adverse way.

We can share further details of the specifically required actions that were not accepted, if that is appropriate. Of the accepted required actions that were non-legislative — so the focus, of course, was on the legislative ones to bring us to here today — related to policy and practice reform — and that work is underway, as I have noted. Working groups have been proposed to further understand how we can work together to implement the intent of those important required actions. They have not been put by the wayside, but they did not impact the work that is here in this bill to amend the legislation with that focus, of course.

We have established the prenatal and infant support services for the at-risk expectant people working group that will focus on developing options and a Yukon model for preventive supports for expectant people at risk of becoming involved with child protection after birth.

This is an incredibly important step because this is an area of child protection work that has been of concern for many years. This is work that the Department of Health and Social Services is looking forward to, planning, and doing at this time with the expectation that there will be support, should the bill pass. But in any event, as I've described earlier, the shift that is taking place is with respect to how this new and current legislation must be better adapted to the needs of children and families.

At this time, the working group includes representation from Yukon First Nations, the federal government, and community organizations. There were also other areas

identified by the *Child and Family Services Act* Steering Committee as needing further discussion and collaboration to understand some of these issues more deeply. We're looking to establish working groups in a number of areas that will support child welfare reform initiatives. This is one piece of the work that needs to be done to go forward with child welfare reform.

There were areas that required more focus, discussion, and understanding to advance them to the reform that is required and to consider all options. The proposed working groups include custom adoptions, legal representation, coordination of prevention services and supports, and youth justice. I hope that responds to the member's question.

Mr. Dixon: I appreciate the minister's answers. Based on her answer, my understanding is that the *Child and Family Services Act* Steering Committee took the *Embracing the Children of Yesterday, Today and Tomorrow* report and its 149 required actions and then considered and distilled them and broke them down into — for lack of a better word — pots of actions that would either need to be dealt with through legislation, through policy, or through intergovernmental relations between the government and First Nations.

That represents the first phase of a multi-phased approach, which we are at right now — those legislative changes. Right now, phase 2, I suppose, is beginning, once this bill passes, around implementation, policy reform, and other issues. I think I have that right.

I was wondering if the minister could — and she indicated that she could, so I hope she can now — offer up the list of required actions from the act review committee, in *Embracing the Children of Yesterday, Today and Tomorrow*, that were not included.

I understand that it's very logical in having read them, and I can understand why some would not have been included, and the minister began to answer some of that. Some were outside the scope of this legislation, et cetera, but I'm hoping that the minister can offer up a list of those. I believe it was 20-odd required actions that were not included in the bill.

Hon. Ms. McPhee: I think I will list the numbers of the — there are 26 required actions that were not accepted by the committee for current work for various reasons, as I've said earlier. Let's see if I can — if I use this, it won't be in a particular order, but I'm happy to do that. They won't be in numerical order; I should say that.

I will try it like this: 20 were somewhat legislative related — 20 of the 26 required actions were somewhat legislative related that were not accepted. I have said that these are not in numerical order: 113 suggested that the name of the act be changed, and that wasn't accepted; 28 indicated that there should be a cooperative planning process, and that wasn't accepted, because other changes were made and that wasn't the wording; 19 dealt with foster parents and the requirement there, and it was determined that it was dealt with in other ways and should not necessarily be included; 87 talked about extended family care agreements, and that was not accepted by the group with respect to how the legislation was providing that in other places; 105 made a required action about alternative dispute resolution and changed a version of what is currently in the act,

which wasn't accepted, because the alternative dispute resolution is a process used when consensus is not available, and the focus here is on consensus.

As well, required action 107 was dealing with whether or not the director and a person were unable to resolve an issue. Again, it was not accepted by the group. Required actions 126, 127, and 128 were requiring the minister to mandate a particular committee to be independent and at arm's length, which was not accepted by the steering committee. I can go into further detail if necessary on that. Required action 131 required that the annual report must be authored by the director. This, of course, has been put in the legislation to require the minister's support and provide an annual report number.

Required action 132 suggested that, in addition to an annual report that covers the whole territory, it must be prepared by the director. That was not accepted, because the director's annual report is also publicly available through the Yukon government website, so there was clarity there.

Required action 7 dealt with partnership, meaning a relationship between an individual First Nation government, community, Yukoners, and Yukon government. It was not accepted, because the steering committee agreed that there is, and should continue to be, mutual respect, trust, and understanding between all of these partners. It is clearly in the preamble that this a commitment by the government, remembering that legislation, in this case, is directing the director of Family and Children's Services to do certain things to protect children in relation to that.

Required action 140 made a recommendation that the director — sorry, a required action — that the director shall offer co-operative planning when the need is for protective intervention; of course, that is dealt with in other places in the legislation.

Required action 120 was also not accepted, because it dealt with the — envisioned a shift from punitive language and action to providing support and preventive intervention in the first response. It dealt with terms like "supervision order" and other terms that were dealt with. It was not accepted that we should be changing the name of a "supervision order" to "support services order". That would erode the intent and the role of that order under the act.

Required action 142 spoke about counting a child's time in the director's temporary custody under section 61, or an interim care order, and it was not accepted, determining that when a child is in interim care, the child's parents retain the custodial rights of the child, and the child is not legally in the custody of the director of Family and Children's Services and should not be considered for calculating that time, appropriately, to make sure that the child's custodial rights — the parents' custodial rights — were intact during that period of time.

I should say that I appreciate that I might run out of time — the collective time we have for answering questions — but I'm happy to rise again.

Required action 144 dealt with — a child can only be subject to a temporary care order under certain circumstances, and the steering committee recommended against counting that time in those cases.

Required action 141 deals with an order for supervision, which must change to, in their recommendation, a support services order. It was not accepted. The steering committee agreed that legislative changes were not required because there are other mechanisms that were happening in the act and the bill brought forward here that would address this.

I have some more information if that is of concern.

Required action 75 indicated that there should not have to be a child protection concern for families to access programs and services that they need to stay together, and this piece of legislation is about child protection concerns. There are other ways in which children and families can have support, and this certainly broadens that. The *Child and Family Services Act* is a child protection piece of legislation designed to protect children from harm or the likelihood of harm. I need to be really clear with respect to this one. This particular required action would expand the opportunity for the director to be involved with children in a way that should not be expanded. The child protection concerns are what trigger the services and the responsibilities of the director, in this case, and, as a result, must be respected.

Required action 119 dealt with whether or not the director believes that a child is in need of protective intervention, and it was not accepted because, as mentioned above, the *Child and Family Services Act* is child protection legislation and it's designed to protect children from harm or the likelihood of harm. In that case, the steering committee agreed that the family in the Yukon required upstream or prevention-based services and programs. However, those programs should not be delivered by a child welfare system if there were not protection concerns but that, of course, that should be limited to the scope of the act.

Required action 42 noted that an adult adoptee must consent to being adopted under section 130, and it suggested that we would change section 130 to add that the adult must be advised of their right to seek independent legal counsel. It was not accepted because there is nothing in the *Child and Family Services Act* that precludes an adult from seeking legal advice prior to an adult adoption, and certainly conversations can be had and recommendations can be made through policy, if appropriate, to make sure that this is the case.

Required action 111 deals with the fact that the committee had heard about guiding principles that often do not make it to the front-line practice. It was not accepted by the steering committee because it was noted that all of the recommendations from the advisory committee must be in the *Child and Family Services Act* and that many of the recommendations could be carried out through other avenues such as regulations. So, it wasn't feasible to enshrine everything in the recommendations, into the *Child and Family Services Act*, but the steering committee agreed to evaluate each and every recommendation, and they did.

I should also make reference to my presentation in second reading that the preamble to this piece of legislation, Bill No. 11, that will change the scope, the practice, and the commitment of the government — Health and Social Services and the director of Family and Children's Services — in the

front and preamble is extraordinary. I will not take this opportunity to read it here again, but I note that I did so, including in my comments during the opening of second reading. I will take the opportunity to do so in Committee if I have the chance because it is extraordinary, and it encompasses the guiding principles, the commitments, in a way that I would say that I have never seen in a piece of legislation — or maybe anyone has ever seen. Certainly, I am not the expert.

Required action 53 dealt with front-line workers to have contact with families, children, and youth to provide supports and services and indicated that they had heard that front-line workers have to obtain consent from a supervisor to provide basic needs and services. This was not accepted because the steering committee agreed that the approval process and financial accountability and services to families all needed to be overhauled — that the act changes were, in fact, doing that and that the commitment will be done and put in policy.

Required action 73 indicated that the committee had heard that Family and Children's Services tends not to investigate certain allegations made by one parent during a separation, as an example. It was not accepted because the steering committee agreed that the *Child and Family Services Act* is child welfare legislation. Of course, if there is a concern about harm or potential concern for child welfare, those investigations are carried out. In this case, there will be an opportunity for the best interests of the child to be considered and for families to be involved.

Required action 88 dealt with parents, foster parents, and extended family, indicating that they must be specifically informed about a change and their right to obtain legal advice. It was not accepted because no changes were planned for the extended family care agreements, as noted, and no decision-making powers or ability to consent will be provided to extended family caregivers or foster caregivers, so that was not accepted by the committee.

I think this is number 26, although I could stand corrected — required action 102 talked about conflicting direction about the duty to report in instances of same-age sexual violence — teenagers seeking support and information after they had been sexually assaulted by a peer. It was not accepted to be included here in this legislative change because the duty to report is, in fact, a legal obligation. It's developed to protect children and youth, and the duty to report is clear. If anyone under the age of 19 is sexually abused or assaulted — or there are concerns of abuse — or is likely to be sexually abused or abused in any way, it must be reported to Family and Children's Services. Service providers in the community are provided with messaging to understand this. A good example would be teachers who might come into that kind of knowledge or have children or youth disclose to them or seek help from them. That was not accepted with respect to expanding or making that more specific.

I think this is now number 26; I apologize. Required action 98 indicated that the committee had heard that communities can and do feel isolated and overworked, and this leads to high turnover, so social workers need to be supported to prevent burnout and compassion fatigue. This was not accepted as a

recommendation that every community should have two social workers, because that is not available to us at the moment, but certainly we accepted the intent that social workers in communities need to be supported and that their work needs to be properly recognized and acknowledged. We have certainly learned through COVID-19 that community health workers, mental wellness workers, and social workers fall into that category and need to be supported throughout their work. Family and Children's Services regularly realigns manager and supervisor positions to provide clinical supervision, case management, and support — and moral support — to regional social workers and all of those individuals.

Because this is the last one, I will add one further comment, which is that I don't disagree with the observations made by the committee in certain circumstances. I think that action has been taken to address all of those. I have worked previously with social workers and Family and Children's Services. I know the stress of the work in the communities, but I also know that, having gone through this process with Bill No. 11, these changes are designed to have that work be properly recognized, to put the children, families, their culture, and their communities at the centre of what action is taken for the protection of children, and that the duty to protect children all remains in this really amazing piece of legislation.

Mr. Dixon: I appreciate the minister walking through those. I have a few questions just to confirm things. The minister adequately addressed the 26 that were not included. By virtue of that, can we then assume that the remaining 123 required actions were indeed accepted and will be reflected in the legislation? I would ask — the minister does not need to read through all 123, but simply indicate whether that is the case or not.

Was the determination and the explanation provided by the minister just now a function of the steering committee or a decision that YG made after? My question is: Was it the steering committee that went through those required actions, made the determination, and provided the explanation for why they weren't included in the legislation? So, the question is basically: Was it the steering committee that made that determination?

Hon. Ms. McPhee: I think that I will answer the last question first, which was whether or not it was the steering committee that did this work, and yes, in fact, it was the steering committee that did this work.

I think that I will answer the other specific one in two ways. There were 26 required actions that were not accepted. I just went through all of those. The total is 149. There were 84 others that were accepted as required actions, and that work is happening. There were 39 others — again, of the 149 — where they were accepted in principle and that work is continuing. The work with respect to both of those groups of required actions is ongoing. As I've said, there are working groups being structured and much of that work is policy- and practice-related.

I will answer this another way to say that there were 65 required actions that related to legislative change. For the reasons I've given already, 20 of those were not accepted, but

45 of them were and resulted in direct changes to the *Child and Family Services Act* through Bill No. 11, which is here today.

Mr. Dixon: I appreciate that answer from the minister. I have to go back and check, but I believe that all adds up. I'll have to give that some thought.

But the reason I asked that question is simply that the committee put in a tremendous amount of work. They interviewed a lot of people involved. There were a lot of sensitive discussions and a lot of emotional content put into that report. I think that it's certainly good to understand how that report has been incorporated into this bill.

Has anyone from the government ever communicated what the minister just communicated to the Legislature, to the former committee — which required actions of their work were accepted in principle or not? Has any sort of communication been provided to the former committee about which of the required actions actually were accepted or not accepted? Those that were not and the 26 that were listed by the minister earlier and the reasoning behind them — have those ever been provided to the former committee either?

Hon. Ms. McPhee: I can indicate that I have met with the committee that was involved in the *Embracing the Children of Yesterday, Today and Tomorrow* report. I know that the former Deputy Minister of Health and Social Services met with that committee. I can't tell you when, but I know it was during COVID because it was a virtual meeting, but I can't tell you when. I can tell you that I did not go through that process with them.

Certainly, we talked about the commitment that we had made to their work and the work that the steering committee was doing at that time to ultimately result in the acceptance and implementation of their required actions, with the exceptions of the ones that have not been adopted by the CFSA Steering Committee members, of which there are many. It looks like I have 24, all in all — 19 from Yukon First Nations and five from the Yukon government. There were also members from the Council of Yukon First Nations. As members might be aware, that committee was co-chaired, as I mentioned earlier.

Their work was completed. I don't want to speak for them; I won't speak for them. The work by the committee that worked on the *Embracing the Children of Yesterday, Today and Tomorrow* report was extensive — absolutely amazing work — 149 required actions. Their work was truly comprehensive, and they truly turned their minds absolutely to the protection of children in bringing forward these required actions.

We are here to discuss the required actions that were part of this legislation — or Bill No. 11 — bringing this forward. I have committed to, on the floor of the Legislative Assembly — and the Department of Health and Social Services has committed — and Yukon First Nations' cooperation — and they have — again, not speaking for them — committed to doing the work going forward to deal with the others going forward, but we have not presented the required actions, in the way that I have just done here, to the committee that worked on that report.

Mr. Dixon: So, the reason why I ask that is simply that I too have met with the former chair of the committee — last

weekend — and received some input from her about the bill. I know that, in large part, the committee — and I only spoke to the chair, so I can't say for the entire committee, but I'm sure that the committee felt strongly about their work. I believe it would have been nice for them to understand how their work was incorporated into the bill, which aspects were not, which aspects were, and the reasoning behind that. I just wanted to highlight that for the minister.

Further, I know that, earlier this week, the minister's office sent out an invitation for members of that committee to attend the Legislature for this Committee of the Whole. In response, the former chair sent an e-mail to the minister's office, copying me and the Leader of the Third Party. She noted some very positive aspects of the bill. She noted that the bill is — and I'll quote from the letter: "This bill is a fantastic start to the changes that are needed in the Act."

One of the areas, though, that she did ask about was the issue of preventive interventions. I'm wondering if the minister can discuss that. Obviously, the notion of preventive interventions is a prevalent aspect of the *Embracing the Children of Yesterday, Today and Tomorrow* report.

While I appreciate the definitional change that is included in this bill to the definition of "prevention", I wonder if the minister can comment on the overall intent toward making changes to the preventive intervention process and approach that this bill will change in the legislation.

Hon. Ms. McPhee: I certainly appreciate hearing from Maureen Caley-Verdonk earlier this week, who I worked with for many years in the Dawson circuit. She was a renowned social worker in the area of child protection. I really appreciated her reaching out. I do also appreciate the perspective that she brings with respect to the preventive changes, but I am happy to answer here how this piece of legislation will support a prevention-based approach to child welfare, as it does.

The amended *Child and Family Services Act* will clarify what "preventive services" means — I mentioned that in my comments earlier — in the context of this child protection-based legislation. I think that we need to focus on the fact that it is child protection-based legislation, but there are areas and opportunities for prevention-based work.

The legislation will focus on how to de-escalate child protection risks and to prevent children in need of protective intervention from coming into the custody of the director of Family and Children's Services. In 2010 when the new legislation came in, I remember being excited that there were opportunities built into that legislation for the focus to be on preventing children from coming into the care of the director. There were many strides at that time and there were changes in approach, but I feel extremely confident and have the honour, as the minister with respect to this piece of legislation — this bill — to now see this go so much further than what was contemplated or available then under that legislation.

The approach of de-escalating child protection matters and preventing children from coming into the protective care of the director of Family and Children's Services is termed as "tertiary prevention services", according to the Canadian Human Rights Tribunal, where services are targeted to specific

families when a crisis or risks to children have been identified and the purpose is to mitigate the risks of separating children from their families.

This is such a shift in child protection work — I just can't say enough about the importance of this proposed shift. Our proposed legislative amendments built upon the foundation of tertiary preventive and voluntary services that Family and Children's Services introduced back in 2010, which is laid out from sections 10 to 17.

The Yukon's trilateral table on the well-being of Yukon First Nation children and families acknowledged that Yukon First Nations are in the best possible position to deliver primary and secondary child welfare prevention services and determined that funding must flow directly from the Government of Canada to Yukon First Nations and community organizations to deliver primary and secondary prevention services. Primary prevention services are aimed at the community as a whole, and secondary prevention services are delivered when concerns begin to arise and early intervention could help avoid a crisis. Yukon First Nations have the expertise to address the issues within their communities impacting all their children and prevent those issues from turning into child protection concerns.

The proposed legislative amendments respect the Yukon First Nations' right to self-determination and avoid expanding the *Child and Family Services Act* to deliver primary and secondary prevention services. They go beyond that to create room for the broach of child welfare reform that includes Yukon First Nations and the Government of Yukon and the Government of Canada.

The newly added purpose clause in this bill clearly states that the *Child and Family Services Act* is meant to provide services and programs to preserve families in order to alleviate the need to separate children from their families.

Programs and services listed under section 10 of the *Child and Family Services Act* now include prenatal services for expectant parents to ensure that children remain with their parents after they are born. This is a significant change to our child welfare legislation, which does not currently allow the director of Family and Children's Services to serve parents, or approach them or assist them, until the child is born.

Section 10 is further expanded to include services to support children learning and practising their languages, their culture, their traditional practices, their customs, and their traditions of their family and their community.

As well, section 10(k) gives the director the legal authority to develop any other programs or services for children in need of protective intervention, and their families, to support the prevention-based approach.

Another proposed amendment is to create a legal obligation for the director of Family and Children's Services where they are required to inform children and families of all prevention-based programs that are available under the *Child and Family Services Act* — again, a significant change.

Agreements with extended family members, under section 14, is one of the most frequently used prevention-based tools available under the current *Child and Family Services Act*. In

addition to all the policy and program changes to create true parity between the supports provided to extended family caregivers and foster caregivers, we propose to increase the maximum length of these agreements to 12 months to give parents more time to work toward family reunification and to reduce the administrative burden on extended family members of renewing these agreements every six months.

This is the prevention-based approach that has been included in Bill No. 11, inside the context of child protection-based legislation. I think they are new initiatives. I think they will support families going forward. Perhaps most importantly, they will support Yukon First Nation communities, governments, and organizations to deliver the primary and the secondary prevention services, remembering that — I think the number is 79 percent, and that may have changed since this statistic I have from December — but somewhere near 79 percent of the children currently in the care of the director are of Yukon First Nation descent.

Mr. Dixon: I appreciate the minister addressing the area that I have raised. The reason I went through there and raised that was that the former chair of the committee did feel that there was a missed opportunity to better address preventive interventions, and I wanted to note that. I know that our time is limited, so I will move on from that.

I think that we have clarified the role of the *Embracing the Children of Yesterday, Today and Tomorrow* report and have a clearer understanding of its role in this bill, so I think that I will move on from that. I will shift gears to the Child and Youth Advocate.

Obviously, I had asked a few questions of the minister during Question Period today, so perhaps we can dig into that a little bit more. The Child and Youth Advocate sent a letter to the minister yesterday, which I won't read extensively from, but appended to it was a January 19 letter from the Child and Youth Advocate to the Minister of Health and Social Services. At that time, among other things, the Child and Youth Advocate said — and I will quote from this letter: "Therefore, for the purposes of reviewing this policy issue that raises a substantial question of public interest in respect of how children's rights will be impacted by proposed amendments to the *CFSA*, I once again respectfully request, in accordance with ss.12(1), s.21 and s.23 of the *Child and Youth Advocate Act*, the following by February 1, 2022. 1. Draft legislative amendments to the *CFSA*; 2. Records demonstrating consideration of children's rights throughout the *CFSA* Implementation Project, including but not limited to tools such as Child Rights Impact Assessments; 3. Records demonstrating youth participation in the *CFSA* Implementation Project; 4. Records demonstrating inclusion of the Advocate's submission to the *CFSA* Advisory Committee; 5. Documents and materials regarding the *CFSA* Implementation Project, including but not limited to: a. Terms of Reference for the Steering Committee; b. Minutes of the Steering Committee; c. Correspondence and reports produced by the Steering Committee; and d. Current status of the *CFSA* Implementation Project."

Then finally, "6. Recommendations from the Steering Committee for: a. legislative amendments to the *CFSA*; and b.

policy changes to the Family and Children's Services policy manual." Then there is: "7. Updated policy manual for Family and Children's Services."

Can the minister confirm whether or not that material was provided to the Child and Youth Advocate by the date of February 1, as per her January 19, 2022 letter?

Hon. Ms. McPhee: I think I'm happy to respond. Thank you for the question. I can indicate that — I don't have it in my hand, although I have asked for it to be brought to me — the response to the March 17, 2022, letter, I can recall — and I will paraphrase what I have responded to with respect to that letter — was that we had provided everything that we were able to provide, pursuant to the responsibilities that we had with the committee.

I know that earlier the Child and Youth Advocate asked for draft legislation. By that time, we had given draft legislation and were providing it to her office. We did not have it before then, so I just want to make it clear that there was no withholding of draft legislation to the Child and Youth Advocate.

We were pleased that the Child and Youth Advocate brought her resources to review this legislation. The *Child and Family Services Act* legislative process has been, as I outlined several times, government to government between the Government of Yukon and Yukon First Nations, and that was done specifically given the overrepresentation of indigenous children in the child welfare system.

I'm not suggesting for a second that the Child and Youth Advocate does not work with or protect the rights of indigenous children, but this is the approach that was taken with respect to the development of this legislation and the steering committee and more particularly taking into account the work of the *Embracing the Children of Yesterday, Today and Tomorrow* and the extensive work that was done by that group.

Health and Social Services has appreciated very much the training and support that the Yukon Child and Youth Advocate Office has facilitated to develop strong capacity for the Government of Yukon to have policy staff work to apply the child rights impact assessment, or what has been referred to here as the "CRIA", and the ability to take that lens on legislation.

But I am going to say here, almost more importantly, on program and policy development is that the way in which these things are practically impacting families and children — it is my understanding that Health and Social Services has committed to involving the Yukon Child and Youth Advocate Office in appropriate areas during the program policy and practice development process, which is responsive to the practical way in which this legislation, the policies of the department, and the requirements and obligations of the director impact children.

Key stakeholders, including the Yukon Child and Youth Advocate Office, were provided opportunities during the independent advisory committee's extensive consultation to communicate their concerns and thoughts about the *Child and Family Services Act*. It's my recollection — and I'll check with my advisors here today as to whether or not I have this right,

but I think the Yukon Child and Youth Advocate Office did present a written document of some 40 pages, which was clearly taken into account with respect to this work.

The last thing I should indicate is that, when I responded to the letter of March 17 — of course, I have not responded to the letter of March 23, which came yesterday — prior to that, my office and the Department of Health and Social Services conferred with the CFSA Steering Committee and indicated that some minutes were being requested of those meetings.

The response that I received was that they believed that some of those minutes contained very sensitive information and they were not happy, or supportive, of those minutes being released at that time — somewhat late in the game — but more importantly, they believed that it protected their process and that the other documents spoke for themselves. So, that is with respect to one specific request. I hope that responds to the question.

Mr. Dixon: So, just to be clear then, it sounds like the minister is making the point that the government did not provide all the information that was requested in the January 19, 2022 letter from the Child and Youth Advocate to the Child and Youth Advocate. At least the draft legislative amendments, I don't believe, were provided, according to what the minister just said, and it sounds like other aspects of what was requested, including the possibility of draft minutes or minutes of meetings, were not included.

Can the minister clarify if some of that documentation was not provided because it was too late in the game to request it? That is what she said, and so I would ask her if she could clarify that.

Hon. Ms. McPhee: No, I did not say that is why it was not presented. My response — actually, having seen the letter now, I had extensive discussions with the deputy minister. It came through a response from the deputy minister's office to the Yukon Child and Youth Advocate Office indicating that we had provided all of the information that we were able to. There was no reason whatsoever that any information was not provided, which is the insinuation, I think.

Let me be clear: We gave the Child and Youth Advocate everything that we were able to give the Child and Youth Advocate in response to her letter in January. If we were not providing information, it was because we were not able to at the time.

Mr. Dixon: So, can the minister tell the Legislature if she feels that the government has met its requirements under the *Child and Youth Advocate Act* to provide information?

Hon. Ms. McPhee: I appreciate the language in the question, but it has nothing to do with my feelings. I want to be clear that my obligation, as a minister of this government, is to respond in the best way possible to all inquiries that come to my office. We had legal advice. We conferred with the steering committee with respect to the types of documents that were being requested.

I should note that, back in January, a really extensive list of documents was requested, and we were provided very few days in which to respond, but we did review all of the requests of the Child and Youth Advocate and provided all of the

documents that we were permitted to provide to her, based on the consultations that I have described.

Mr. Dixon: I'll reword the question and set aside any notion of feelings.

Did the minister meet her obligations under section 23(2) of the *Child and Youth Advocate Act* to provide the records requested by the Child and Youth Advocate?

Hon. Ms. McPhee: Yes.

Mr. Dixon: Okay. So, I'll move on to the more recent letter from the Child and Youth Advocate dated yesterday.

In that letter — I'll quote from it briefly: "Second, your Department of Health and Social Services has essentially ignored our formal requests since May 2021 for a draft of Bill No. 11 for the express purpose of conducting our CRIA..." — to use the acronym defined by the minister earlier — "... well in advance of the Bill being tabled in the Legislative Assembly. Specifically, we requested the draft Bill on May 5, 2021, June 30, 2021, July 6, 2021, November 4, 2021, December 8, 2021, and on January 19, 2022. For your ease of reference, I enclose our letter of January 19, 2022 to you, and copied to..." — the Premier — "... which summarizes our repeated requests for a draft of Bill No. 11, as well as our warning that the continued failure of your government to provide the YCAO with the draft of the Bill could result in a delay in enacting the Bill. On the following day, January 20, 2022, I personally met with..." — the Premier — "... to emphasize both the government's legal obligation to provide the draft Bill to the YCAO, as well as the urgency with which we now required the draft Bill to perform a CRIA prior to the tabling of the Bill, which was expected to occur during the spring sitting."

Now, the minister referenced a document prepared by the Child and Youth Advocate. I assume she was referring to the CRIA, because that's roughly 40 pages long and she indicated that it was a 40-page document. Does the minister feel that the Child and Youth Advocate was given sufficient information and time to conduct the child rights impact assessment in a thorough and comprehensive way?

Hon. Ms. McPhee: Thank you for the question. I know the member opposite has sat in government and is well aware of the way in which a process works with respect to a draft piece of legislation.

Let me say that it is in fact the case that the draft legislation is not often finalized until days before the legislation is going to be introduced.

I'm going to respond by saying that when the draft legislation was in a form that was satisfactory — I mean, there have still been a few typo changes and things like that at the end — back in January, we provided a copy to the Child and Youth Advocate for the purpose of her applying a CRIA, which I understand, by virtue of the definition of the CRIA process, should be applied to legislation near finality, not to case notes, draft notes, or those kinds of things ahead of time.

I should also clarify that the 40-page document — the CRIA — that has been presented here in the Legislative Assembly, appropriately by an officer of the Legislative Assembly, is not the document I was speaking to before. It is my understanding that the Child and Youth Advocate presented

— maybe I have the page numbers wrong, but I think it has now been clarified that it is probably near 59 or 58 pages — of her approach, her concerns, and her thoughts with respect to this process to the *Embracing the Children of Yesterday, Today and Tomorrow* committee, the committee that resulted in that report, and that was quite some time ago. In addition to that, we have the benefit of the CRIA process that has been provided by the Child and Youth Advocate.

I think that answers the question, but I am just checking my notes. I think that does answer the question. I guess, to be really clear, we respect absolutely the process of the Child and Youth Advocate Office. I was an officer of this Legislative Assembly for five years. I completely respect the process of independent officers and their role in activities that take place with respect to this Legislative Assembly. I certainly respect the request made by the Child and Youth Advocate Office and ultimately the information that she gave, inserted, and provided for this process, both at the early stages when the report was being considered and 149 required actions were being developed — during that process — and ultimately now with respect to the matter coming before this Legislative Assembly and her review of the draft legislation, which we provided when we had it.

Mr. Dixon: The question that I had asked was: Was it the minister's understanding that the Child and Youth Advocate was given sufficient time to conduct a thorough and comprehensive child rights impact assessment with the information needed? I will just re-ask that question: Does the minister feel that a sufficient amount of time was given to the Child and Youth Advocate?

Hon. Ms. McPhee: I am not an expert in the assessment done by the Child and Youth Advocate, so I won't be able to answer that question.

Mr. Dixon: That is very clear.

Did the child rights impact assessment in any way influence the bill that we see before us?

Hon. Ms. McPhee: Thank you for the question. I think it's really incredibly important to reference the child rights impact assessment, not only the one done by the Child and Youth Advocate, but the one done during this process or the lens used during this process.

I think the question was whether or not the child rights impact assessment — I think the reference is to the one done by the Child and Youth Advocate; am I correct in that? I see nodding heads. So, whether that was considered in relation to Bill No. 11 — it was considered. When it came to us, it was extensively reviewed. The approach we initially took is that the Government of Yukon appreciates that what I have just said is also the position of the department with respect to respect and deference to legislative officers of this Legislative Assembly.

The Government of Yukon appreciates the Yukon Child and Youth Advocate Office's child rights impact assessment on the proposed legislative amendments to the *Child and Family Services Act*. We went through the report done by the Child and Youth Advocate Office point by point. Certainly, we thank the Yukon Child and Youth Advocate Office for all of her efforts in ensuring that children and youths' rights are protected in this

context and in all contexts. The work that is done by that office is incredibly important.

The recommendations of the Child and Youth Advocate do raise important points for consideration, many of which were thoroughly discussed by the *Child and Family Services Act* steering committee. The Government of Yukon position is that the 11 proposed recommendations will, and do, require further conversation through the process of practice and policies that will be developed, but do not require further amendments to the legislation. I'm happy to go through them. I think we'll have an opportunity to do that.

I think we should go back for a second and remind everyone that the independent committee that worked for months and ultimately authored the report, *Embracing the Children of Yesterday, Today and Tomorrow*, including 149 recommended actions, had the input of the Child and Youth Advocate with an extensive document, and the consideration of that point of view and expertise was taken into account at that stage of this process.

I should also remind everyone that, upon receipt of the 149 required actions, the steering committee considered each and every one of them individually, one at a time, to determine how they could be included, or should they be included, in the process of developing this bill and that we worked government to government with respect to the development of the ultimate bill that is before you.

Lastly, I would like to say that, while I have great respect for the Child and Youth Advocate Office with respect to the CRIA, or the child rights impact assessment, that was done, the steering committee did use the child rights lens at every step of the process of developing this legislation and in the assessment of each and every one of the required actions.

Lastly, Yukon First Nations were determined and took a position, quite rightly, that they are experts in the care and protection of their children, their families, and their communities and that this must be front and centre in Bill No. 11, and in fact, it is. So, I appreciate the opportunity to address the child rights impact assessment and all that goes with that, because this is about children's rights and it's about children's rights in the context of child protection, and as a result, the child rights lens must be, and was, applied.

Mr. Dixon: On what date did the minister receive the CRIA from the Child and Youth Advocate?

Hon. Ms. McPhee: I have a letter in my hand, dated March 10, from the Yukon Child and Youth Advocate Office. I am going to assume that I received this document on March 10, and I can tell you that we met almost immediately with respect to this response from the Yukon Child and Youth Advocate Office. We were keen to make sure that any recommendations that she might have made and her assessment was taken into account and was assessed almost immediately. I can tell you that the team of individuals at the policy part of Health and Social Services have worked tirelessly to assess this.

I appreciate that March 10 is not that long ago, but I can assure you that this had top priority with respect to bringing this bill forward and making sure that we had addressed all of the

concerns, if there were any expressed by the Child and Youth Advocate.

Mr. Dixon: The minister received this report on March 10. Does she recall the day that she tabled this legislation for first reading?

Hon. Ms. McPhee: I have been advised that this bill was tabled on March 9, but before the member goes there, I am happy to reiterate exactly what process was undertaken when we received the child rights impact assessment from the Child and Youth Advocate Office. We have seen it several times here in this particular legislative Sitting where individuals amended their own motion or their own bill. I certainly would have brought forward amendments if they were necessary. I have to say that the advice and the information that we received from the Child and Youth Advocate Office was excellent.

I can indicate that I was very pleased that we have addressed in this legislation — or will in policy and practice development — each of the things that she mentioned in that assessment report. We have committed not only here but previously to the Child and Youth Advocate that her point of view and the expertise of her office will be involved in the process of policy and practice development.

Mr. Dixon: I hope that the minister can see the problem here, because she just stood not too many minutes ago and told the Legislature that, when they received the CRIA, they extensively reviewed it and that it informed the legislation that we see before us — all the things that were recommended were considered.

But the CRIA was received on March 10 and the minister had already tabled the bill on March 9, so it is completely incongruent that the minister can say that she thoughtfully considered the CRIA prior to the bill being tabled when the CRIA was received after the bill had been tabled.

It is very clear that the CRIA done by the Yukon Child and Youth Advocate was an afterthought. It was something that they didn't wait to receive and thoughtfully consider. They got it afterwards and now have reviewed it post facto. It seems difficult for me, and I think for anyone, to understand how the minister can say that the CRIA informed this bill when the CRIA was submitted to the minister the day after she tabled the bill.

We are going to have time to go through some of these recommendations, but ultimately, the Child and Youth Advocate makes a lot of specific and general comments about the legislation. Make no mistake: The Child and Youth Advocate notes that the bill is good, there are good things in here, and it is going to improve things. But the Child and Youth Advocate also notes that there are a few changes that require a second thought.

In the executive summary of the CRIA, the Child and Youth Advocate notes — and I quote: “But there are also a few changes that require a second thought, and still other areas where no changes were proposed but may represent a missed opportunity to meaningfully impact children’s lives. If the enclosed recommendations are considered carefully, this CRIA would represent an opportunity for the government to

implement exemplary and transformational legislation, providing the benchmark for jurisdictions across the country.”

If the minister had simply waited to receive the CRIA and then held the CRIA up against her proposed bill, the minister could have thoughtfully considered extensively — as she said she did, which obviously isn't true — the CRIA prior to tabling it, and then we wouldn't be in the position that we are, where an independent officer of the Legislature is asking for changes to a bill that is on the floor of the Legislature after it has been tabled because her input wasn't considered before it was tabled.

So, I think that this is sort of the nub of the issue and the nub of our concern — that the CRIA and the work of the Child and Youth Advocate wasn't considered here. I know that there was some input earlier on. I know that the Child and Youth Advocate made a submission to the advisory committee back in 2018 or 2019, but ultimately, the minister did not provide a draft bill in time for the CRIA to be completed before the bill was tabled. The minister tabled the bill before the CRIA was even completed and yet has had the gall to stand here and say that they extensively reviewed it and that the CRIA is incorporated in the bill, which obviously makes no sense at all.

My question, I guess, is this: Is the minister willing — she floated the idea herself — to entertain amendments to the bill relative to those clearly advised by the Child and Youth Advocate, which the Child and Youth Advocate clearly thinks would strengthen this bill? Will the minister be putting forward those amendments herself, or would she prefer that someone else do it?

Hon. Ms. McPhee: I'll just say that the member opposite has quoted me to have said that this was taken into account — that the CRIA was assessed prior to the bill being tabled. I don't believe I said that. What I said was that, when we immediately received it, the work was done. That might be incredulous to the member opposite, but that's what happened. I'm a proponent of accuracy and specific facts with respect to this Legislative Assembly. As a result, I am happy to repeat that this work was done immediately upon having received the child rights impact assessment from the Child and Youth Advocate.

When the Deputy Minister of Health and Social Services wrote to the Child and Youth Advocate on February 2 with the response and the inclusion of the draft *Child and Family Services Act*, we encouraged her review. We outlined how some of the work had been done previously, and we looked forward to receiving any comments or CRIA or report that may be done. We indicated that February 16, 2022 would have been the date upon which we expected, if possible, to receive it.

The last paragraph says — and I quote: “Again, thank you for your letter. We look forward to receiving any comments you may have by February 16, 2022. Should you have any questions, please do not hesitate to contact me directly.” It is signed by the deputy minister. Ultimately, we had a very cordial correspondence from the Child and Youth Advocate. I think that letter was dated March 10 — that included the report. I can also indicate that I believe we have an e-mail from a day or two before this that went to — I don't know if it went to the Leader of the Official Opposition. It went to the Leader of the Third Party — just because I recall that. It came to me indicating that

the child rights impact assessment was completed and indicating that the Child and Youth Advocate would be tabling it in the Legislative Assembly. I recall that my response — and, I think, the response from the Leader of the Third Party — was to ask if we could see a copy, thanking her for that, and ultimately we received this letter dated March 10.

I am sorry that this seems incredulous to the member opposite. I have reported here exactly the work that was done by the department. I have reported here extensively the respect that we have for the work done by the Child and Youth Advocate Office, and I have reported extensively on the details and how we worked through each of the points made by the Child and Youth Advocate in the CRIA to make sure that we could consider them in relation to Bill No. 11 and consider them in relation to the policy and practices that will be developed.

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: Committee of the Whole will now come to order.

The matter before the Committee is general debate on Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*.

Is there any further general debate?

Mr. Dixon: I appreciate the opportunity to return to this. I think the nub of my question is simply: Why not just wait to receive the CRIA before tabling the act? The minister knew that the Child and Youth Advocate was doing this work. They had been asking for information for months, maybe more. They knew that there was an interest in conducting the CRIA. Why not simply just wait until the CRIA was done before tabling the bill so that the government could consider the recommendations of the CRIA before the tabling of the bill?

Hon. Ms. McPhee: Thank you for the question. Let me reiterate that the CRIA or the — I'll just make sure I have the acronym correctly. I don't want to mess that up — the child rights impact assessment is a process that is — was, in this case, I understand from the correspondence — completed by the Yukon Child and Youth Advocate Office. If I haven't been clear, it is also a lens by which the steering committee did their work at every step of the way in the development of Bill No. 11.

The process that was determined here is, in fact, groundbreaking. It is work including 14 Yukon First Nations, 12 at the table. The steering committee was co-chaired by the executive director of the Council of Yukon First Nations. In addition to that, the respect for government-to-government relations and the process that was determined on how to achieve Bill No. 11, how to go through 149 required actions of an independent committee that worked for months and months and hundreds of hours to do this must be respected.

The First Nations at the table — I need to talk for a second about the groundbreaking process. Government to government

is something that we've committed to since our election back in 2016. It has resulted in extensive impact and extensive progress with respect to how we work with Yukon First Nations. That was integrated into the process that was used here to address the overrepresentation of Yukon First Nation children in the child protection process, in the child protection world, in the child welfare process.

First Nation governments and First Nation individuals who came to this table are the experts with respect to the care of their children. They had a voice in this process that has not been the case previously with respect to the development of legislation that so intensely affects their communities. The CRIA lens was used throughout the development of this process. We very much appreciate the lens and ultimately the report provided by the Yukon Child and Youth Advocate, but it is one piece of the puzzle in the process that was developed to use here in getting Bill No. 11 to the floor.

As I have said previously and will reiterate here, each and every one of the recommendations made in the report that was sent to us on March 10, 2022 have been taken into account and considered, and I certainly look forward to discussing them one by one in relation to Bill No. 11.

Mr. Dixon: I appreciate the minister's comments there. I guess my point is simply this: We, as legislators, are asked to consider these bills to vote on them. When that happens, we seek input from people who have thoughts from their constituents, experts, and others. I know that the minister is informed by the process on the public service side, but when we receive a bill like this and then, within 24 hours, receive a child rights impact assessment like this from the Child and Youth Advocate — who is an independent officer of the Legislature, who we appoint to provide us, as legislators, with advice about issues related to the rights of children — and the independent officer tells us that, while good, this bill could benefit from additional changes and makes specific changes, I think that it is only fair that we consider them. That is the position that we are in.

It sounds like the minister is prepared to do that, so why doesn't the minister give us a bit of that explanation? Why are the amendments proposed by the Child and Youth Advocate not good or not right? Why should they not be considered now?

Hon. Ms. McPhee: I appreciate, I think, whether it is a formal or informal agreement, that the answers during Committee of the Whole will be no longer than eight minutes, but I am happy to sit down when I reach that time, because this will be an intricate answer.

I have been asked about the recommendations of the Yukon Child and Youth Advocate with respect to Bill No. 11 before the Legislative Assembly. While the recommendations from the Child and Youth Advocate raise important points for consideration, many of which were thoroughly discussed by the *Child and Family Services Act* steering committee, the Government of Yukon does not take the position that any of the 11 proposed recommendations would require further amendments, and I am happy to go through the rationale for that.

Firstly, I will say that eight of the 11 recommendations are already addressed in various ways throughout the existing *Child and Family Services Act's* proposed legislative amendments and the Family and Children's Services policies that either exist now or will be properly addressed to match the legislation, should we have that opportunity.

In working with our partners, it was determined that the three remaining recommendations — I will get to the eight in a moment — would do a number of things that were not contemplated or appropriate in the circumstances.

The first being number 1 — it would actually expand the scope of the *Child and Family Services Act* beyond a child protection focus, which is, of course, the purpose of the act.

Recommendation 3 — I'll call them as numbered in the report — we've taken the position and reviewed the fact that it would blur the legal mandate between Family and Children's Services and the Child and Youth Advocate Office. That's something that we want to protect and not blur. That's number 3.

Number 10, which was one of the recommendations that was not determined to be included here, would or could unintentionally result in colonial child welfare practices that further perpetuate the overrepresentation of indigenous children in care.

I'm happy to note, with respect to recommendation number 1 as referred to in the executive summary, it contemplates the articulation of the rights of children receiving services under the act. The recommendation would expand the purpose of the *Child and Family Services Act* to promote the rights of children generally and capture the United Nations *Convention on the Rights of the Child* in the guiding principles and ultimately expand the rights of the child in care that are included in section 88 to apply to all children receiving services — and it would move that provision to the beginning of the statutes.

I will come back to that because that's the original recommendation.

The *Child and Family Services Act* is the Yukon's child protection legislation. It has a specific focus. It is primarily designed to protect the health and safety and well-being of children in need of protective intervention. In fact, that's truly its only purpose with the exception of the adoption provisions.

It is not intended to promote the rights of all children in the Yukon and does not affect children who are not in need of protective intervention. If the purpose of the *Child and Family Services Act* is expanded, then the director of Family and Children's Services' legal authority would be expanded as well, and it would result in more children and families — especially indigenous children and families — becoming involved in Yukon's child welfare system. That is in no way the intent — and I am sure that, while we have respected all of the recommendations — and I certainly won't speak for them, other than to say what they are — we must look at the potential consequences.

The United Nations' *Convention on the Rights of the Child* is referenced in the preamble of the *Child and Family Services Act* to acknowledge that the legislation is meant to be applied within the context of children's rights, but the United Nations'

Convention on the Rights of the Child goes beyond children in need of protective intervention and creates the full range of children's rights. It refers to civil, cultural, economic, political, and social rights for governments to uphold for all children. This is incredibly important to do, but not in this piece of legislation. Embedding all of these broader rights in the guiding principles would expand the *Child and Family Services Act* beyond its intended scope.

I really want to emphasize that a reference to the United Nations' *Convention on the Rights of the Child* in the preamble of this piece of legislation is, in fact, that recognition and is so important, which is why it is there. I have made reference to the preamble of this legislation many times throughout the debate, and it is critical. It is also the preamble of a piece of legislation which clearly indicates that all of what comes behind it takes into account all of these provisions and all of these protections and must be read in light of those documents and those — some are pieces of legislation, like the federal piece of legislation respecting Inuit, indigenous, and Métis children.

Section 88 of the *Child and Family Services Act* lists the rights of children in the custody of the director of Family and Children's Services. In that context, the rights of the children are set out in section 88. These are the rights that all children who are in government care are owed, and the director of Family and Children's Services is obligated to uphold these rights in those circumstances because that is what their obligation is, as defined by this legislation.

Children who are not in the custody of the director of Family and Children's Services and who receive services under the *Child and Family Services Act* are in the custody of their parents or guardians. If section 88 is expanded to include children receiving services as well, then the director of Family and Children's Services may infringe on parents' custodial rights by taking action or being required to take action under that section of the act.

Reorganizing the *Child and Family Services Act* to move section 88 to the beginning of the legislation, which is part of that recommendation, would counter the legislative scheme that prioritizes the prevention-based services to children in need of protection, or protective intervention, over the intervention-based approach to bringing children into the custody or care of the director of Family and Children's Services.

I think it's important to note that section 88 exists where it does in the legislation for a specific reason, which is, among other things, that the focus of this new legislation should be on keeping children out of the care of the director — supporting their families, supporting their culture, and supporting their communities to make sure that they are safe and cared for, but not having to be taken into the care of the director.

The second — I guess I will call it "the second" — recommendation in the report from the Child and Youth Advocate from March 10 indicates that we should, or there should be, a requirement to inform children of their rights, including the existence of the office of the Child and Youth Advocate and their right to contact the advocate, this recommendation that children receiving services under the *Child and Family Services Act* should be informed of their

rights, the United Nations' *Convention on the Rights of the Child*, and how to access the Yukon Child and Youth Advocate Office.

This is, of course, a good idea. Family and Children's Services' policies already require social workers to explain rights that children receiving services and children in care are all entitled to in child-friendly language, including how they can bring forward any complaints to enforce these rights. Children are provided with pamphlets to describe their rights as children in care and internal complaint procedures that are available to them.

The pamphlet describing how to bring forward a complaint also includes information on how to access the Yukon Child and Youth Advocate Office and the Office of the Ombudsman. Workers must assist children who want to bring their complaints to the Yukon Child and Youth Advocate or the Ombudsman. These pamphlets and informational material will be updated after the legislative amendments, should they pass this House, to capture the expanded rights, including the right to culturally appropriate advocacy services. Access to advocacy services are also included in one of the proposed service delivery principles, which requires that children and their families be given the support necessary to access advocacy services that meet their needs, including organizations that understand the needs of indigenous people.

Again, I just want to remind everyone that there is now the obligation — or will be in the legislation, hopefully — that First Nations and indigenous organizations be advised whenever one of their members' child, parent, or other parent is involved in the child welfare process. Together with that requirement, the obligation to inform children and families about advocacy services that are available to them, including advocacy services that might be culturally appropriate, is meeting the recommendation made by the Child and Youth Advocate in this context.

The next recommendation involves ensuring that the role of the advocate is incorporated into the *Child and Family Services Act*. The recommendation is to add the Yukon Child and Youth Advocate's functions and powers to the *Child and Family Services Act*.

I note that earlier the member opposite casually described the role of the Child and Youth Advocate as being one to inform this Legislative Assembly in matters like this. Certainly, that's one interpretation, but I have discussed many times with the Child and Youth Advocate, and with the former Child and Youth Advocate when I was also an officer of this Legislative Assembly, about the advocacy role for children and how important that is. I know how important that is to the current Child and Youth Advocate. That is the primary function.

The Child and Youth Advocate's functions and powers are properly and appropriately listed in the *Child and Youth Advocate Act*, where they belong. It is the authority for that person to act. It provides the scope, the authority, and the legal mandate of that person to operate and to protect children in this territory. The *Child and Family Services Act* does not provide powers or create legal obligations for the Yukon Child and Youth Advocate; therefore, it would not be appropriate to list

the Child and Youth Advocate's respective functions and powers in that piece of legislation — in the *Child and Family Services Act* when I make reference to that piece of legislation.

Access to advocacy services are already captured in the *Child and Family Services Act* as a key principle. One of the proposed service delivery principles requires that children and families will be supported to access a broad range of advocacy services, as I've noted, and respect the wishes of children and their families to choose their First Nation or culturally appropriate organization to advocate on their behalf. This in no way diminishes the fact that the child and family are required to be told about all advocacy services that might be of assistance to them and, beyond that, to be assisted to access those services if they need that kind of assistance. It certainly goes beyond providing them with an address or phone number should they need to go to an office or need an appointment of some kind.

If the Child and Youth Advocate Office is explicitly listed as an advocacy service in the legislation, it creates the risk that the advocate becomes the default or preferred advocacy service and potentially precludes Yukon First Nations from advocating for their children and their families.

Before I turn to policies, I think it also presents the risk that the Child and Youth Advocate's powers and responsibilities in the *Child and Youth Advocate Act* could be somehow compromised by the fact that they live in another piece of legislation, and the purposes of that legislation, like the *Child and Family Services Act*, would not provide the legal authority for them to act, because that exists in the act — the statutory authority that creates the Child and Youth Advocate position and the Child and Youth Advocate Office.

Family and Children's Services' policies already acknowledge the right of children and their families to access the advocate, as well as the Office of the Ombudsman, and now will require that workers support children and families to access not only those advocacy services, but those that are related to their culture or community.

Recommendation number 4 is to add the child's views and preferences, the sense of time, and the child's need for security and stability as factors in determining the best interests of the child. We absolutely recognize the need for the child's view and preferences to be heard, and we feel that the legislative amendment brought to the floor here — I guess I should say "confident" rather than "feel". We are confident that those reflect the need of the child's views and preferences to be heard.

The child's views and preferences are already one of the factors that must be considered when determining the best interests of the child under section 4(2)(b). The child's — I'm going to quote here: "... the child's physical, mental, emotional and spiritual safety, security and well-being..." and "... the importance to the child of having ongoing relationships with and connections to their parents, siblings, and other extended family members and to their community and culture..." are the two primary factors under the "Best interests of the child".

The federal act respecting First Nation, Inuit, and Métis children, youth, and families, which established the minimum standards for child welfare across the country, requires the

Yukon to use these as the two primary factors for consideration when making decisions related to a child involved with child protection.

I don't think we can say that strongly enough: New federal legislation developed in conjunction and collaboration with First Nations across the country requires that there be minimum standards for child welfare that require these two primary factors for consideration. They are included as the requirements for how to determine — the criteria, if you will — what is in the best interests of the child.

The child's sense of time and developmental capacity are already enshrined in one of the service delivery principles from — I'm going to reference section 3(b).

The child's need for security and stability was removed, which is a part of the recommendation from the Child and Youth Advocate — so, just to address that, the child's need for security and stability was removed because this factor was used in the past to enable the colonial practice of keeping indigenous children with their non-indigenous foster caregivers, instead of reunifying these children with their families or their communities and their cultures. Historically, it was argued that the stability and the attachment that the child had formed with the foster caregiver should not be disrupted by attempting to reunify children with their parents. That is not something that can be tolerated and must be addressed.

I will stop there. I appreciate the opportunity to respond to those further.

Mr. Dixon: I appreciate the minister's response, but I did want to note very quickly, and I know that it is not enforceable, but members did agree that we would try to keep responses in Committee below eight minutes. The Chair isn't able to intervene at eight minutes. I know that the minister didn't mean to go on, I'm sure, but just for future responses, it would be appreciated.

Based on the minister's response, I think that it is very clear that she is reading from some documentation, so perhaps in the interest of time, it would simply be easier if the minister could just write a letter to me or to members, perhaps, which goes through the 11 amendments that she has suggested. She has been reading them, explaining them one by one, which is appreciated, but I think that, just given the time, it may be easier if the minister were to simply provide the rationale for those in writing so that we could have them in advance of this returning.

I will just move on, because I hope that the minister is all right with that.

I will switch gears to just recognizing that it is almost 5:00 p.m., and we do have the Commissioner coming in a few minutes, and I know that there are others. I did want to switch gears to the IPC, the Information and Privacy Commissioner. Obviously, the minister is very familiar with the letter that was sent to the Premier, to the Leader of the Third Party, and to me.

I would like to start off with: What level of consultation was conducted with the IPC and does the minister have any thoughts on the letter and the recommendation for amendments to this bill that were put forward by the IPC?

Hon. Ms. McPhee: So, the Yukon Information and Privacy Commissioner reviewed the bill and provided a letter,

as the member has referenced a number of times, sent to the Premier, and to him, and to the Leader of the Third Party. The recommendation included in the letter or the comments included in the letter from Yukon's Information and Privacy Commissioner — again, an officer of this Legislative Assembly — was that the proposed amendments may remove an individual's "right" to access certain personal health information under the *Health Information Privacy and Management Act*, or something known as "HIPMA".

I think it's important to note that the current legislation came into effect in 2010. At that time, the *Access to Information and Protection of Privacy Act* applied to that piece of legislation, of course, and to all pieces of legislation in the territory and activities of government.

Then, following that — and I don't recall the year; somebody will tell me, no doubt — the *Health Information Privacy and Management Act* came into effect.

The goal here, with respect to the amendments in Bill No. 11, were to make sure that the *Access to Information and Protection of Privacy Act* and the *Health Information Privacy and Management Act* were both respected in the process and properly referred to in the *Child and Family Services Act*.

I appreciate that the Privacy Commissioner's letter indicated that it may be of concern to her and the effect of accessing personal health information. I can indicate that, immediately upon the Premier indicating to me that this letter had been received, we contacted the Department of Justice, and we had this quickly and thoroughly reviewed, because obviously, this is not what was trying to be achieved here in the draft. We respectfully disagree, or perhaps we — that's strong language, but I don't believe or don't have confidence that the individual's right to access certain personal health information is not affected.

The Yukon Information and Privacy Commissioner proposed legislative amendments to the *Child and Family Services Act*, and those proposed amendments — sorry, let me say it this way: Her opinion that it might remove an individual's right to access personal health information is not the opinion of those who have worked on this matter. I will say it this way: The right of a person to access their personal health information is a fundamental right under the *Health Information Privacy and Management Act*. This right is not restricted by the proposed legislative amendments to the *Child and Family Services Act*.

There is no conflict between the obligation of a public body under the *Health Information Privacy and Management Act* to disclose personal health information when requested by an individual and the director of Family and Children's Services' discretion to disclose information or documents in the director's possession. Let's be clear: There is no conflict between the obligation of the public body to disclose personal health information that is requested by an individual or the director's discretion under the act.

The *Child and Family Services Act* was developed, as I've noted, prior to the HIPMA legislation coming into force — or the *Health Information Privacy and Management Act*. There are circumstances where disclosing relevant health information

to the director is essential to a child's well-being. I should note this. These amendments directly respond to required action 125 in the report *Embracing the Children of Yesterday, Today and Tomorrow*, which states that — and I quote: “Section 180 is silent about the Health Information and Privacy Management Act (“HIPMA”) and the director's ability to disclose and obtain information should be paramount over HIPMA...” — similar to the requirements in ATIPP.

These amendments provide clarity as to how the *Health Information Privacy and Management Act* is considered throughout the *Child and Family Services Act* and does not restrict a person's right to access their personal health information. I think that this is absolutely critical. I note that the *Health Information Privacy and Management Act* came into being in 2013.

With respect to how the Information and Privacy Commissioner — were they involved in the amendments to section 180? The answer to that is no. We were effecting the opportunity to make sure that HIPMA and ATIPP were both properly reflected in the amendments. The proposed legislative amendments related to the administration of services and service quality and accountability have been reviewed by a number of our legal and subject matter experts and amended to meet confidentiality and privacy standards. Of course, always taking these into account, the proposed legislative amendments ensure that the sensitive information that is in the possession of the director of Family and Children's Services is only disclosed in limited circumstances.

I hope that answer is responsive to the question.

Mr. Dixon: I appreciate the minister following the eight-minute informal agreement; I appreciate that.

I just wanted to circle back — I did jump ahead to the IPC, but I did want to conclude my piece on the CRIA. Has the minister responded to the Child and Youth Advocate's CRIA that was tabled here? Has the minister provided that issue-by-issue explanation of why the amendments proposed by the Child and Youth Advocate are not needed at this time?

Hon. Ms. McPhee: Thank you for the question. I will return with that information when we discuss this further. I appreciate also that I didn't respond to the member opposite asking for a written version of the position with respect to those and I will certainly take that under advisement and discuss it with the department. I think that it would be a useful tool.

Mr. Dixon: I agree with the minister that it would indeed be a useful tool, because of course, as we consider this bill, if the minister has a predetermined list of answers to these questions, it would be useful to see them, because when we get into line-by-line debate — we have recommendations from the Child and Youth Advocate to make legislative changes or amendments to the bill, and if there is an explanation of why that is not needed or not going to fit within the bill, then it would be useful for legislators to see that explanation in advance of getting into line-by-line debate.

Likewise, I would like to ask if the minister has responded to the IPC — her letter dated March 11. Has that letter been responded to, and can we see that letter?

Hon. Ms. McPhee: Thank you again for the question. The letter from the Information and Privacy Commissioner wasn't written to me, so I will determine whether the response has been sent and whether it will be tabled here.

Mr. Dixon: Again, this is another example of a situation where we're advised by an independent officer of the Legislature to make an amendment to a bill on the floor, and if the government has, in this case, a legal opinion that suggests that amendment is not needed, it would be useful for legislators to see it before we potentially table or vote on an amendment.

If there is legal advice that the minister has received on this — I seem to recall that the minister had said that when they first received the letter — when the Premier first received the letter, he shared it with the minister, and the minister immediately went to the Department of Justice and sought advice. If the government is able to share that advice with other legislators, it will obviously help inform how we proceed in terms of line-by-line debate and ultimately in terms of voting on not only the bill, but the line-by-line debate and any potential amendment.

With that, if the minister could just simply indicate whether or not that's going to be possible, I would appreciate that.

Hon. Ms. McPhee: As I've noted, the letter response would not have necessarily been from me. I'm happy to look into it and respond as we proceed in this matter — absolutely.

Mr. Dixon: I apologize to my colleague, the Leader of the Third Party, but that's it for me in terms of general debate. I'll pass the floor on to her.

Ms. White: I thank my colleague for his thorough questions today, and I'm pleased to be here with all of you to have this conversation. I know my time is very limited today, but that's okay.

First, I just wanted to start by saying that I really believe in the potential that these amendments have for Yukon families but more importantly for children, because we've seen the problems that we've had already. I hope that consensus-based work like this between the department and each Yukon First Nation will be a template for legislation in the future, because I believe this will make things stronger. It's my hope that these changes will create better outcomes for our children.

One thing that my colleague today has done a really good job in, though, is highlighting the concerns that other officers of this Assembly have had as far as being able to see or have input into things that they see as possible problems.

My hope is that, on a go-forward basis, we make sure that we bring together all of the folks we need to make sure that by the time it gets here — instead of spending time going through this — it could have been addressed, understanding, of course, that folks in the policy and drafting all have an experience that we here just don't have. So, that is my pitch for what we do, going into the future, and I think that it is really important.

I think that there are important things to say because there are such huge changes planned in this legislation. There is an expression: “Failing to plan is planning to fail.” I think that one thing that has been highlighted is that such sweeping changes

will require such a huge overhaul — really a shift in philosophy within every level of the department.

A lot of the questions that I have — I will barely scratch the surface today — have to do with how we are going to support the people who are going to do that work in making that shift. What we are really saying is that we are going to do this in a completely different way, and I think that this is really important. But how do we support people who have been doing the work following one piece of legislation as we move toward this new way of doing business? Those are a lot of what my questions are, and there might not be answers to them yet, which is okay too, but I am going to put them out into the universe because I think that it is helpful as we try to figure our way forward.

Looking at this department shift and the importance of what we do on a go-forward basis, what financial resources are going to be devoted to this shift? Have we recognized right now what we are going to need to be able to start making these monumental shifts that this legislation is asking us to do?

Hon. Ms. McPhee: I am very excited to be able to answer this question, but I see that I have two minutes, so let me just start. I will hopefully be able to finish when we come back to this bill.

I think that it is an incredibly important question. We have been doing the work at the Department of Health and Social Services already. This process has been going on for five years. This shift has been contemplated in the possibilities of the world going forward for child welfare for a long time. Obviously, the development of the federal piece of legislation — and opportunities to work with that — brought that to our attention as well. Individuals who work in this area have been hungry for new tools and for new ways to support Yukon children and families — absolutely.

The associated costs for Yukon First Nations, which are going to be certainly an aspect of this — and First Nation youth — it is not expected to require additional resources at this time, but the federal government has committed resources specifically to Yukon First Nations — to First Nations across the territory — in relation to changing the work in the child welfare system. The direction and the support of the trilateral working group on child welfare reform with both Canada and Yukon First Nations — resources have been a top priority. The transitional supports through the legislation are expected to require support for students and for youth. We will support them throughout.

I appreciate that I am out of time, Deputy Chair. I am pleased to speak more specifically to resources and the importance of them in the transition of this piece of legislation and the adoption and operation of Bill No. 11, but seeing the time today, I move that you report progress.

Deputy Chair: It has been moved by the Member for Riverdale South that the Chair report progress.

Motion agreed to

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

Deputy Chair: It has been moved by the Government House Leader 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. Tredger: Committee of the Whole has considered Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, 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.

We are now prepared to receive the Commissioner of the Yukon in her capacity as Lieutenant Governor to grant assent to bills that have passed this House.

Commissioner Bernard enters the Chamber announced by her Aide-de-Camp

ASSENT TO BILLS

Commissioner: Please be seated.

Speaker: Madam Commissioner, the Assembly has, at its present session, passed certain bills to which, in the name and on behalf of the Assembly, I respectfully request your assent.

Clerk: *Act to Amend the Assessment and Taxation Act and the Municipal Act (2021); Income Tax Amendments Act, (2022); Act to Amend the Safer Communities and Neighbourhoods Act (2022); Act to Amend the Legal Profession Act, 2017 (2022); Miscellaneous Statute Law Amendment Act, 2022; Interim Supply Appropriation Act 2022-23.*

Commissioner: I hereby assent to the bills as enumerated by the Clerk.

I am happy to announce that, to coincide with the International Decade of Indigenous Languages, we have completed our wall of translation. Commissioner of Yukon — Commissaire du Yukon — is now translated into the eight indigenous languages of the Yukon.

I would like to sincerely thank everyone across the territory who has taken part in this endeavour. I invite you to come to Taylor House to view our translation wall, our exhibition for the Platinum Jubilee, and the museum on our second floor. We are back to regular working hours — Monday to Friday, 8:30 a.m. to 4:30 p.m. — after the Easter break.

Thank you, merci, shaw nithän, günilshish, mahsi' cho.

Commissioner leaves the Chamber

Speaker: I will now call the House to order.

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

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

Motion agreed to

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

The House adjourned at 5:21 p.m.

The following documents were filed March 24, 2022:

35-1-55

Bill No. 11, *Act to Amend the Child and Family Services Act*, letter re (dated March 23, 2022) from Annette King, Child and Youth Advocate, to Hon. Tracy-Anne McPhee, Minister of Health and Social Services (Dixon)

35-1-56

Comments about Bill No. 11, *Act to Amend the Child and Family Services Act (2022)*, letter re (dated March 11, 2022) from Diane McLeod-McKay, Information and Privacy Commissioner, to Hon. Sandy Silver, Premier, Currie Dixon, Leader of the Official Opposition and Kate White, Leader of the Third Party (Dixon)

35-1-57

Bill No. 11, *Act to Amend the Child and Family Services Act*, letter re (dated March 17, 2022) from Peter Johnston, Grand Chief, Council of Yukon First Nations, to Hon. Tracy-Anne McPhee, Minister of Health and Social Services (McPhee)

35-1-58

Sexual Orientation and Gender Identity Policy, letter re (dated November 20, 2019) from Tracy-Anne McPhee, Minister of Education to Porter Creek Secondary School Gender and Sexuality Alliance (McPhee)