



# Yukon Legislative Assembly

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## HANSARD

Tuesday, March 29, 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

<b>NAME</b>	<b>CONSTITUENCY</b>	<b>PORTFOLIO</b>
<b>Hon. Sandy Silver</b>	Klondike	Premier Minister of the Executive Council Office; Finance
<b>Hon. Tracy-Anne McPhee</b>	Riverdale South	Deputy Premier  Minister of Health and Social Services; Justice
<b>Hon. Nils Clarke</b>	Riverdale North	Minister of Highways and Public Works; Environment
<b>Hon. John Streicker</b>	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
<b>Hon. Ranj Pillai</b>	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
<b>Hon. Richard Mostyn</b>	Whitehorse West	Minister of Community Services; Minister responsible for the Workers' Compensation Health and Safety Board
<b>Hon. Jeanie McLean</b>	Mountainview	Minister of Education; Minister responsible for the Women and Gender Equity Directorate

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

<b>Kate White</b>	Leader of the Third Party Takhini-Kopper King
<b>Emily Tredger</b>	Third Party House Leader Whitehorse Centre
<b>Annie Blake</b>	Vuntut Gwitchin

### LEGISLATIVE STAFF

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Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Karina Watson
Deputy Sergeant-at-Arms	Joseph Mewett
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Tuesday, March 29, 2022 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Mr. Pillai:** I would like to welcome a number of individuals who are in the Assembly here with us today for two tributes, one to Total North Communications and the other to Spruce Bog. With us today from Total North Communications are: President Dan Johnson; Karin Steele, who is the longest serving employee there at 25 years; and as well, Kyle Foster.

As well, from the Spruce Bog team, we have a number of individuals: Judy Matechuk, who is the president; Amy LeBlanc, who is the past president; Lois Gillis, who is a past long-time secretary of the organization; Josée Bergeron and Jean-Pierre Bergeron; and Leilah Cross.

Thank you all for coming.

*Applause*

**Speaker:** Are there any tributes?

## TRIBUTES

### In recognition of Total North Communications 50<sup>th</sup> anniversary

**Hon. Mr. Pillai:** I rise today on behalf of the Yukon Liberal government to pay tribute to Total North Communications. Total North Communications recently celebrated 50 years of providing satellite radio and communication services that Yukoners need to stay connected. Total North has played a significant role in the technological development of our territory, bringing the Yukon some of its first radio services.

For many years, Total North was led by legendary Yukoner Gord Duncan. I had the privilege of honouring the late Gord Duncan with the Hall of Innovators Lifetime Achievement Award last year. The Lifetime Achievement Award is selected based on leadership, impact, innovation, and ethics, and Gord is a fantastic example of a well-known innovator who embodied all of these qualities. I am glad that we were able to recognize his legacy in the Hall of Innovators.

Under the current leadership of Total North's President Dan Johnson, the company continues to provide immeasurable benefits to Yukoners and their communities. Today, Total North remains focused on engineering, deploying, and maintaining the north's premier telecommunications equipment for a wide variety of businesses and government clients across the Yukon. Whether you are in Whitehorse or in

the most remote locations in the territory, Total North will keep you connected.

Part of living in the territory is dealing with weather emergencies effectively and Total North employs a pool of technicians who can respond quickly to all of the difficulties that our northern climate presents. This dedication to keeping Yukoners connected is very admirable and cannot be understated. The territories are more connected than ever, and this is largely due to the dedication, expertise, and exceptional service provided by the whole team at Total North.

In closing, I want to once again congratulate Total North Communications on 50 years of success and thank them for their contributions to the territory.

*Applause*

**Mr. Hassard:** I rise on behalf of the Yukon Party Official Opposition to pay tribute to Total North Communications as they celebrate a huge milestone: 50 years providing service in communications and technology across the Yukon, Northwest Territories, Nunavut, and British Columbia.

Total North was founded in 1972 by the late Gord Duncan. What started as a small company of two guys in a corner of the Trans North hangar is now a large, tight-knit family of 24. Dan Johnson is the current owner of Total North Communications — an incredible accomplishment, having gotten his start in the company as a summer student more than a couple of years ago.

Dan strives to maintain the sense of family that has made this organization so successful over the last 50 years. He works to provide an environment for his employees that not only serves as a job, but a place to grow as community leaders, much in the same way that Gord did for Dan and others.

The company continues to thrive, not only keeping up with ever-changing technology, but adapting, creating, and pushing projects to the limit. They continue to find innovative ways to expand technology and connectivity in the communities. I would like to commend and thank the management and staff of Total North for their continued support to all throughout the Yukon.

Total North works with the private sector, the mining community, and all levels of government, providing a vast range of services in communications infrastructure, engineering consultation, installation and service, networking and solutions, and more.

The level of experience and knowledge of the entire team is immense. Their approach to business is commendable. Besides being a business made up of individuals with talent, loyalty, and dedication, Total North continues to thrive on generosity for the community and for the Yukon. They have a long history of community support and, as with many of the incredible Yukon businesses, they show their support through numerous sponsorships of local events, sports teams, educational opportunities for local students, and more.

I would like to recognize the Total North team for continuing to uphold the legacy that Mr. Duncan had bestowed upon the Yukon. To all management and staff, past and present,

congratulations on 50 years of contributions to our community and throughout the north.

*Applause*

**Ms. White:** The Yukon NDP are delighted to add our voices to celebrate a 50-year history of connection. Congratulations to Total North Communications on this incredible milestone. I can only imagine the changes you've seen in the last half-century — from the past of rotary phones to today's satellite installations connecting entirely remote camps to the rest of the world. Not only is your on-the-ground service and support world-class, but so are your employees. Your innovation and dedication to rise to any occasion has marked you as an industry leader.

This year, as you celebrate 50 years in business, we celebrate the 50 years of influence that you have had on the north in keeping us connected. Thank you.

*Applause*

### In recognition of Spruce Bog

**Hon. Mr. Pillai:** I rise today on behalf of the Yukon Liberal government to pay tribute to Yukon Crafts Society's Spruce Bog craft fairs.

From its humble beginnings in 1975, the Spruce Bog has grown to become a beloved and respected fixture for the Yukon's craftspeople and public alike.

Three Spruce Bogs a year give vendors a chance to showcase their wares and the community an opportunity to gather and interact with friends and makers.

Spruce Bogs have come to help Yukoners mark the season, celebrating spring's arrival, a successful autumn harvest, as well as the Christmas holiday.

We are fortunate here in the Yukon to have so much talent in a broad range of artistic practice. Yukon Crafts Society's Spruce Bogs are an important forum to celebrate the territory's home-based artisans. In creating this platform for creative content and practices, they have also inspired new generations of crafters to find their own medium or carry family traditions forward.

Like all grassroots community events, the Spruce Bogs require resourcefulness, and the Yukon Crafts Society family wears many hats, with all pitching in to lend a hand whenever and however it is needed. One needs to look no further for evidence of this than the adaptations they have made throughout this pandemic to not miss a Spruce Bog beat.

Beginning this Thursday, the Spruce Bog Easter Boutique's 45 artisans will take over the Gold Rush Inn for four days. There will also be a space featuring the fashion arts and design students from Porter Creek Secondary School to test the market for their creations.

I encourage all Yukoners to enliven their spring with the wonderful handcrafted selections and festive atmosphere. Yukon's flourishing arts and crafts community is truly second to none. I am continually moved by the artistic excellence and talent that we have here in the territory. A diverse and dynamic creative and cultural sector speaks to our unique place in the world, our history, and our traditions.

In paying tribute today to this wonderful event, we pay tribute to all the Spruce Bog members, mentors, organizations, and volunteers, both past and present.

Thank you to the Yukon Crafts Society for helping to keep homemade crafts in the Yukon vital and vibrant. Thank you to the artisan-makers for sharing their knowledge and talents throughout the year.

*Applause*

**Ms. Van Bibber:** I rise today on behalf of the Yukon Party Official Opposition to pay tribute to this year's Spruce Bog Easter Boutique. In 1975, the need to display and sell local handmade crafts was an idea that morphed into the Yukon Crafts Society. The Spruce Bog County Fair was born and proved to be the answer for artists and crafters to showcase their wares.

Now the fair is locally and fondly known as "Spruce Bog" and is uniquely a Yukon handmade marketplace. For three times a year, it is hosted by this non-profit society — this upcoming spring sale, a one-day sale in November, and then the 16-day Christmas Spruce Bog.

There are rules to be a vendor at Spruce Bog. You must be a paid-up member of the society, for starters, and there is a list of requirements that a vendor must adhere to so they can be on the floor. There are always so many wonderful, colourful, eye-catching booths and displays to see, and it's a wonderful shopping experience.

I'm always impressed with the ideas and talents that we have in our midst. As we continue to stress, shop local, and what better way to support friends and neighbours than by buying their quality handcrafts that are made with care?

Looking for a birthday or anniversary gift? Some new earrings or soap? A tasty dessert or other food item? Well, you may just find what you want at the Spruce Bog and probably a few items you didn't know you really needed. It's also a wonderful place to visit with the vendors and other shoppers as everyone looks at the treasures and essentials. This four-day event, beginning March 31 to April 3, 2022 at the Gold Rush Inn — make sure you stop by and peruse the products for sale.

As was done with the Christmas Spruce Bog market, there again will be a central cashier so that everything is streamlined and handier to check out your purchases. To all the crafters, artisans, and creative folk who work so hard to make this amazing community event a reality, thank you. Knowing how much work goes into organizing such a large-scale show, well done, and we wish you continued success.

*Applause*

**Ms. Tredger:** I rise on behalf of the Yukon NDP to pay tribute to Spruce Bog and their Easter Boutique. One of my first memories of Whitehorse is actually of Spruce Bog. At the time, my family lived in Pelly Crossing, and for me, Whitehorse was still the big city. I think it was my mom who took my sister and I into Spruce Bog when we were in town, and I knew right away that I had entered a treasure trove. I remember soaps, quilts, carvings, candles, and baking. I was overwhelmed, but in the best possible way.

I have been many times since then, and it's always an absolute delight and a highlight of the Christmas season. Now, of course, it's a highlight of the spring and fall as well.

The logistics and planning needed to pull something like this together are staggering, especially during a pandemic. I'm sure that it has been no easy feat to keep an indoor community market going in these challenging times, but Spruce Bog's amazing team has made it happen. So, thank you so much to all the organizers and volunteers. I'm sure that you have all had some late nights and busy days, and we appreciate it so much. We can't wait for Thursday, when Yukoners are going to be flooding into the Gold Rush Inn to connect with Yukon artists, crafters, and makers. That's something for us all to celebrate.

*Applause*

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

### TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Mostyn:** I have for tabling a *Whitehorse Star* editorial about confidence and supply agreements that mentions considerable Yukon Party support for such beneficial democratic arrangements in contrast to his federal counterpart, Candice Bergen.

**Hon. Ms. McLean:** I have a legislative return today regarding questions that arose in Committee of the Whole on Vote 3 for Education regarding masking in K to 12 school settings.

I also have for tabling the 2009 Auditor General's report on public schools and advanced education submitted to the Department of Education.

**Speaker:** Are there any reports of committees?  
Are there any bills to be introduced?  
Are there any notices of motions?

### NOTICES OF MOTIONS

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

THAT this House supports creating modern learning spaces through investing \$25.2 million in this year's budget toward the construction of the Whistle Bend elementary school.

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

THAT this House urges the Minister of Education, in response to the January 4, 2022 letter from the Yukon Speech Language Pathology and Audiology Association, or YSLPAA, to the Chair of the Public Accounts Committee, to:

(1) reach out immediately to the YSLPAA to meet and discuss their concerns;

(2) support the use of evidence-based practices for literacy and language development;

(3) provide additional speech-language pathologist FTEs at Student Support Services to be able to provide adequate speech, language, and literacy services;

(4) conduct a thorough review of literacy and language instruction to address how to close widening performance gaps that continue to be exacerbated by the COVID-19 pandemic; and

(5) review membership of the community of inquiry.

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

THAT this House urges the Minister of Education, in response to a letter dated January 3, 2022 from Autism Yukon to the Standing Committee on Public Accounts, to:

(1) identify what steps have been taken to improve data collection on the effectiveness of inclusive and special education;

(2) commit to consulting with Autism Yukon on the development of changes to inclusive and special education going forward; and

(3) take the necessary steps to ensure that IEPs are fully reinstated, resourced, and supported.

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

THAT this House urges the Minister of Health and Social Services to recognize the concerns regarding Bill No. 11, *Act to Amend the Child and Family Services Act (2022)*, raised by the Child and Youth Advocate and the Information and Privacy Commissioner by:

(1) meeting with both of these independent officers of the Legislative Assembly to discuss their concerns and the government's response to them; and

(2) seeking their input about whether further amendments are needed to the *Child and Family Services Act*.

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

THAT this House supports the Parliament of Canada's Bill C-216, *An Act to amend the Controlled Drugs and Substances Act and to enact the Expungement of Certain Drug-related Convictions Act and the National Strategy on Substance Use Act*.

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

THAT this House urges the Government of Yukon to increase road safety on the Alaska Highway at Raven's Ridge and Fish Lake Road by:

(1) reducing the speed from 90 kilometres per hour to 70 kilometres per hour; and

(2) providing signage and physical barriers at each end marking the turning lanes.

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

### MINISTERIAL STATEMENT

#### White River First Nation community centre

**Hon. Mr. Mostyn:** Today, I rise to speak about the ongoing work to create the White River First Nation community centre in Beaver Creek.

Celebrating all occasions of life is a tradition and fundamental part of the culture of White River First Nation, but unfortunately, as of now, there is nowhere in the community where the White River First Nation citizens can gather in one location to host or celebrate social events. That will soon change.

To begin, I would like to provide a bit of background on the new facility being built this summer. In 2009, the White River First Nation developed its comprehensive community development plan. As a top priority, the First Nation identified the need to do an assessment and feasibility study, along with a business case, to build a new community centre or potlatch house in Beaver Creek. In our 2021 spring budget, we outlined funding for this project that, with the support of the Government of Canada, ensured that the community centre would move forward.

Once funding was allocated, a water licence was applied for. A Yukon environmental and socio-economic assessment was done and the design for the building was completed. Late last June, the construction tender was issued and it was awarded in the fall. Permits are now in place and construction is set to begin this May, with completion aiming for December 2022.

By continuing to work with the White River First Nation, we are all ensuring that this community centre will be built in a way that will meet the needs of the people of the White River First Nation. The new centre will include a main vestibule, a multi-purpose room, a reception waiting area, washrooms, kitchen, and more. The project is currently expected to have a total cost of \$6.2 million, with close to \$3 million funded through the federal government and the remaining \$3.26 million being invested by the Yukon government.

The White River First Nation community centre is one of the many infrastructure projects that we will have underway throughout the territory this year. The Government of Yukon has made a strong commitment to continue to support community infrastructure across the territory and supported that commitment with significant resources. In fact, in the budget of 2022-23, we have set out a plan to invest about \$69 million in community infrastructure projects in and around Yukon communities.

Over the coming months and years, the Department of Community Services will continue to work closely with Yukon First Nations and municipal governments to plan, design, and build community infrastructure projects that suit their needs. These projects provide the core municipal services necessary in our communities, like water, sewer, and roads, along with infrastructure that supports Yukoners living healthy, active, and engaged lives.

I know that the White River First Nation is very much looking forward to welcoming its citizens to the first of many events in its new community centre and I join them in that excitement.

Shaw nithän, mahsi', gūnilschish.

**Mr. Istchenko:** The Yukon Party is pleased to see some movement on recreational facilities in Beaver Creek. It is

welcome news, since the Liberals have fallen short on support for these communities.

I have been inquiring about the status of a new community centre for Beaver Creek, and in 2017, I wrote a letter to the minister about this. The minister at the time responded that presently Community Services does not have any proposed infrastructure for Beaver Creek in its capital plan.

So, I am happy to have today's details on the construction of the new White River First Nation community centre. It was good to see it in the budget. The existing community club building was a Centennial project that was built in 1967. It has been the focal part of the community gatherings. I have been to many of them, with lots of good times and some sad times. So, I'm happy to have details today on the construction of the new White River First Nation community centre that can focus on the fundamental part of culture for the White River First Nation.

Now, volunteers ran the existing community club for a long time, but unfortunately, the club is now dissolved. Because of the lack of volunteers, the government has now signed an agreement with White River First Nation to run the existing community club; however, there does remain an issue that is of utmost importance to the community. Unfortunately, the pool hasn't been open since 2019, even though the government still maintains the facility. I myself have provided a number of community-oriented solutions to the government, but the pool still remains closed.

One potential solution is having the government run the pool, as the community club had always basically just been the middleman for that. The government always hired the staff and Property Management has always maintained it.

So, a question for the minister: Will the government do this? Is there a timeline for when the pool will reopen? It goes without saying that children love their community pools and it's important to have our community youth participate in swimming instead of other activities that could put them on the wrong path, Mr. Speaker. So, while I know the White River First Nation and the community of Beaver Creek are excited to see new construction on this important project and get it underway, I hope the government will also focus on getting the existing pool reopened.

Thank you and gūnilschish.

**Ms. White:** I remember my first official trip to Beaver Creek and the traditional territory of the White River First Nation. Folks were so warm and welcoming and they were also apologetic about the state of the community centre, which should have been the heart of the community, but was limping along on borrowed time way back in 2012.

After many delays, we're glad to hear that this project will finally start, as the White River First Nation community has been waiting for this project for well over 10 years. It's exciting to know that this community will finally get the space that they deserve, one where folks can safely gather, cook, celebrate, and recreate.

We look forward to seeing similar projects being built in communities around the territory, and we're hopeful that it

won't take more than a decade from a request from a community to the start of construction for much-needed infrastructure.

**Hon. Mr. Mostyn:** I thank both the members opposite for their remarks this afternoon.

By investing in community infrastructure, we are investing in the health and well-being of Yukon communities. When my colleagues and I came into office in 2016, we were faced with an infrastructure deficit across the territory. The Yukon Party government struggled to get projects out the door, they went out of their way to erode trust with the local contracting community, and the Leader of the Yukon Party was content to leave federal money on the table.

We have taken a far different approach. Our Liberal government has worked in collaboration with municipalities and First Nation governments to identify priorities and maximize federal funding opportunities. By overhauling and improving procurement in the territory and identifying projects in our five-year capital plans, our government has rebuilt trust with the contracting industry and provided them with greater certainty.

In 2016, under the Yukon Party, the overall capital budget was \$306 million. This hardly compares with our capital budget for 2021, which set aside \$434 million in capital spending, and the 2022-23 surplus budget, which is tabled before this Assembly now and includes a record \$547 million in capital investments, nearly double the capital budget from just five years ago.

What's more, Mr. Speaker, 40 percent of this is recoverable federal funding, as we're seeing in the White River community hall that we just announced. We know that when we invest in Yukoners and Yukon communities, it pays dividends. We create jobs, opportunities, and further grow our economy. In 2020, the Yukon had the strongest GDP growth in the country and was one of only two jurisdictions in the country to see GDP growth during the early years of the pandemic.

Over the last few years, we have continued to have the lowest unemployment rate in Canada, and our territory's population is rising steadily as Canadians from across the country and people from around the world make Yukon their new home.

I look forward to more community projects to be built across the Yukon in the coming years. The five-year capital plan highlights a number of projects that are in the works, and I want to thank all our municipality partners across the territory, private investors, contractors, and the Department of Community Services for helping these projects come to life. There is an awful lot of work happening in the territory. We're working very closely with our municipal and First Nation partners, and I look forward to that partnership creating more opportunities for Yukoners in the coming years.

**Speaker:** This then brings us to Question Period.

## QUESTION PERIOD

### Question re: School busing

**Mr. Kent:** In October 2018, the Legislative Assembly unanimously passed Motion No. 332, which urged the Minister of Education to review school busing safety in the Yukon. That included participating in an assessment of possibly mandating the use of seat belts on school buses. Since that was almost four years ago, I was hoping that the minister could provide an update about what action has been taken in response to that motion.

**Hon. Ms. McLean:** Thank you for the question. Of course, the health and safety of students is always our very first priority. Busing safety is very important. We work with Standard Bus to ensure that students are safe as they journey to our schools each and every day. We certainly have worked on safety procedures for our school buses and continue to work with our partners, particularly the committee that we have that works very closely with the Department of Education on addressing issues that affect busing in our territory.

I have had many conversations as well throughout the territory with our school councils. This has come up many times. We are continuing to work toward ensuring that our systems are safe and effective for our students.

**Mr. Kent:** I was hoping that the minister would be able to provide a little bit more detail on Motion No. 332, especially since I sent her a letter on February 2, 2022, essentially asking her for an update on what has been done with regard to that motion.

Mr. Speaker, in February 2020, a federal task force on school bus safety released their report. The Yukon did have a representative on the steering committee of that task force. The report that they issued said that jurisdictions, including the Yukon, explored the application of infraction cameras, extended stop arms, exterior 360-degree cameras, and automatic emergency braking.

What action has the government taken to assess the need for each of these new measures recommended by the federal Task Force on School Bus Safety?

**Hon. Ms. McLean:** I am happy to rise to talk about safety on our school buses. Government of Yukon is part of the national steering committee to identify measures to further improve school bus safety in Canada. The regulations for physical safety requirements on school buses, including school bus seating, are set by the Government of Canada. Yukon school buses are required to meet national standards. All the routes and stops are assessed on an ongoing basis.

Again, we continue to work to ensure that we have safety measures in place — and again, working with our school bus committee. This is an important body that works on behalf of Yukoners.

The Department of Education has been piloting dashboard cameras for buses and evaluating their effectiveness. We work closely with the RCMP to ensure that they pay close attention. I've had many discussions at different safety meetings around this.

**Mr. Kent:** My questions are specific to the task force report that was made public in February 2020. In that report, it said — and I quote: “... the Task Force submits that consideration be given to adding the following safety features to school buses, and encourages all jurisdictions to explore the application of these measures based on their assessed needs...”

Then the report lists the four measures: infraction cameras, extended stop arms, exterior 360-degree cameras, and automatic emergency braking. Again, as I mentioned previously, there was in fact a Yukon representative on the steering committee of that task force.

So, can the minister confirm what action the government has taken to assess the need for any of these new measures as the federal task force advised two years ago?

**Hon. Ms. McLean:** Thank you again for the question. I will reiterate, of course, that the health and safety of students is always our very first priority, ensuring that our students are safe as they are being transported to schools. Yes, we did have a Yukon representative on the steering committee to identify measures to further improve school bus safety in Canada, and we have taken steps in Yukon to ensure that we are in compliance with standards and ensuring that students are safe. We continue to always to work with our contractor, Standard Bus, and our school busing committee to address the issues that arise in our school buses and ensuring that our safety measures are complied with.

I will bring further information back to the member opposite on other specific questions asked today.

#### **Question re: Child Development Centre building**

**Ms. Clarke:** Salamat. Last week, we raised the issue of mould causing the closure of the Child Development Centre facility. At the time, we asked the minister what the cost estimates are for remediation or demolition of the existing building. The minister did not answer at that time; however, we have now obtained government documents that indicate that the cost estimate is that this could cost up to \$2 million.

Can the minister tell us if this \$2-million estimate is for remediation or demolition?

**Hon. Mr. Clarke:** Thank you for the question from the member opposite. As I indicated in my response last week, 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 for roof repairs, interior renovations, and building code upgrades. The member opposite will know that the structure is an old structure, and the member opposite has the data indicating that there is a cost estimate.

I do not have that cost estimate, but I can certainly return to the House and advise. At first blush — I won't speculate, but it seems to me that this would not be the cost for a full replacement of the building. As I also indicated in my comments last week, we applaud the Child Development Centre for all the work they do and the flexibility that they have shown over the course of this school year when received with very quick news that they would have to relocate, based upon the unprecedented snow load that occurred on the roof of the

Child Development Centre, involving flooding and the subsequent concerns that were revealed.

**Ms. Clarke:** This \$2-million cost estimate comes directly from government briefing notes. There is no reference to this \$2 million in the budget or the five-year capital concept. Can the minister tell us why the government has not planned for this, and how will this work be funded if it has not been budgeted for?

**Hon. Mr. Clarke:** This is still a developing matter where the assessment of the site, as far as my most recent briefing, is still occurring and the decision has not been made as to whether this structure will be fully replaced or demolished, similar to the situation we had at the Macaulay Lodge structure, which ultimately is being confirmed for demolition this summer and which will provide the opportunity for multiple low- or affordable-cost housing units in Riverdale, which obviously is proximate to the downtown core and all amenities.

Similar to Macaulay, there are studies that still have to be done before there will be the determination as to whether this structure can be rehabilitated.

As I also said in my comments last week, there is no particular concern with respect to the Department of Education, because the ventilation unit at the Child Development Centre is separate and distinct from the Department of Education. So, the safety of students and staff who had attended the Child Development Centre is first and foremost, and we are considering our options.

**Ms. Clarke:** We have also obtained government documents that indicate that it will be at least a year before the government addresses the issues of the existing Child Development Centre facility. To quote directly from those documents — and I quote: “... it would not be possible to complete all required work in time for the Child Development Centre to move in for the 2022-23 school year.”

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:** I am happy to rise today to speak again about the importance of the Child Development Centre and the work that they do in helping families and young children access early learning and therapeutic services.

We continue to work very closely with the Child Development Centre. It's very unfortunate that they had to relocate from their building and we appreciate, of course, their flexibility and ability to move quickly and resume their services, which I think is the most important thing here.

In terms of where we're at right now, we've definitely committed to supporting CDC financially and logistically while they work through these moves, and the department officials are regularly in contact with CDC staff. During the week of March 14, 2022, CDC moved into a vacant wing of Copper Ridge Place until longer term space can be found that works for the entire program. HPW organized that move. Thank you very much to our public servants who are moving quickly.



We, again, are working closely with them to find a permanent space to continue the work that they are doing on behalf of Yukoners.

**Question re: Funding for non-governmental organizations**

**Ms. White:** Non-profit and non-governmental organizations across the territory provide essential services and supports for Yukoners — everything from mental health services to help fleeing domestic violence, advocating for disability support, housing, or food. NGOs also provide arts programming, sports and recreation, recycling, and so much more.

Many Yukoners rely on non-profits every day for support or even to help make ends meet, but there has been one concerning trend across all sectors: Funding cycles are becoming shorter and shorter. A three-year government funding agreement is now hard to come by for a lot of NGOs and we are seeing organizations that previously had three-year funding commitments being knocked back to one year. This prevents organizations from planning long-term programming and staff retention becomes more difficult.

Will the government commit to a full review of funding for NGOs and reinstate three-year funding cycles?

**Hon. Mr. Pillai:** First of all, I think that it is important just to touch on the fact that we have been ensuring that our NGOs have had appropriate funding after going through the challenges that they did over the last two years. Again, we all know that Yukon's non-profit organizations provide great public benefits in almost every aspect of Yukoners' lives and are integral to building healthy communities.

Just last week, we talked about the fact that we are partnering with Volunteer Bénévoles Yukon to deliver our program for funding to a number of different organizations. Again, I think that just shows that we are committed to working with non-profits and certainly that program was built and directed by leaders in the non-profit sector.

I think that almost everybody on this side of the floor would have different NGOs and non-profits that they would have some level of responsibility for — I am just thinking, as the question was asked today, about whether through Tourism and Culture or through Economic Development. So, I think it is hard to just put a blanket response for every NGO that is out there. I think that what we have tried to do is to make sure that we support NGOs appropriately to understand what their goals and values are and the services that they are providing and, where appropriate, try to give them the most consistent and long-term funding that we can.

I look forward to questions two and three.

**Ms. White:** I thank the minister for the suggestion. I encourage all ministers to make sure that the NGOs that they represent have adequate funding.

Emergency COVID funding is great for many, but NGOs have been asking for an increase to their core funding for years. They want long term, sustainable funding to be able to continue to support their commitments and clients. When most of an organization's time is being spent applying for small funding

streams in order to keep staff paid and programs running, it's not a good use of their time. It's not allowing them to do the work that's needed.

NGOs should be doing what they do best, which is helping and supporting the community around them. The services they are offering are necessary due to the gaps left by government but without government-level compensation for their staff. They should not be stuck in a never-ending loop of finding and hoping for funds to keep the doors open.

Will the government commit to reviewing all the core funding for all Yukon NGOs so that they can continue to do the important work that they do?

**Hon. Mr. Pillai:** I think that it is also important to share with Yukoners the fact that, during the pandemic, over the last two years — again, I'm not trying to divert from the question, but I just want to ensure that people do understand that we do think very highly of NGOs — one of the things we did was that departments worked to get all the transfer payment agreements out to NGOs very quickly and to support them. In many cases, they couldn't deliver on their agreements as it was defined, but we still made sure that those organizations were funded, because we knew that it was a very unique situation.

The advisory group that we have been working with on NGO funding is the Yukon Nonprofit Advisory Council, which is chaired by Wendy Morrison, who is really a specialist in this field and has looked to really support them. Again, YuKonstruct has identified the Yukon Historical and Museums Association, ElderActive, Yukon Anti-Poverty Coalition, Sport Yukon, and others.

I appreciate the member opposite's approach to this, but it is so broad when you think about it. Different organizations that are under that non-profit area do so many different things. In many cases, we have organizations duplicating efforts, so I think that we are going to stay committed to them and continue to support them.

**Ms. White:** Although I appreciate the minister's assertion, I don't think it leaves many people feeling very confident.

The lobbyist registry was meant to provide transparency to Yukoners about large corporations influencing politics in the Yukon. We know that NGOs and non-profits only need to register if they have spent over 20 hours lobbying or advocating for their organization in one year, supposedly to make it less onerous on them. Unfortunately, what the government implemented has had the opposite effect. Right now, nearly half of the organizations on the lobbyist registry are NGOs and non-profits. More barriers, more requirements, more paperwork, and again, without more funding.

Will the government commit to a review of the *Lobbyists Registration Act* so that it does what it was intended to do: ensure more transparency from paid lobbyists without burdening NGOs?

**Hon. Mr. Silver:** I appreciate the question from the member opposite. I hope that, from the end of that question, we are getting from the NDP that they support the lobbyist registration, because it does mean more openness and transparency.

With a couple of different pieces on non-governmental organizations, I do want to mention that in the 2022-23 fiscal year that we're in, the Department of Health and Social Services is providing a 1.75-percent increase to managing the cost to all non-governmental organizations with those transfer payment agreements. This increase aligns with past allocations and with considerations of the negotiations and the discussions that we've had and also understanding the need to increase those budgets based on where we are currently in inflation.

Also, my department, Executive Council Office — we are now in conversations for renewed three-year transfer payments. We're talking increases to all of these organizations. We have increases based upon some of the requests as well. So, these three-year agreements are extremely important, and we are cognizant of those needs, and we can get into the details of those increases at another time.

We also talked today about the Child Development Centre. There is increased funding there as well — \$150,000 for early learning childcare, but also an increase of \$46,000 for communication and project as well.

I could go on, Mr. Speaker, but just some examples of our government being cognizant —

**Speaker:** Order, please.

#### **Question re: Moose management**

**Mr. Istchenko:** When we asked about the minister's controversial decision to not accept the clear recommendations of the Yukon Fish and Wildlife Management Board and impose a permit hunt authorization for moose on the South Canol, the minister said that it was all about helping the moose population recover.

What he failed to recognize though was that restricting licensed hunting in the area will do little to achieve that. Restricting licensed hunting in an area like the South Canol can only serve to put additional pressure on other areas. What is needed is additional measures that will actually help increase moose populations.

So, other than shifting to a permit hunt, what measures is the minister taking to help the moose population in the South Canol area grow?

**Hon. Mr. Clarke:** I have spoken to my counterpart in Alaska. I know that there is a regime in Alaska where I am advised that there is predator control — so where wolves and other predators are actively controlled, i.e. killed — and that there is a scientific balance or a fine balance established there for Alaskan hunters — and some of it is actually mandated — so that, in that respect, you will have your moose and caribou population in some sort of — perhaps even artificial — stasis.

There has never been a push in the Yukon for predator control of that nature, with some notable exceptions — probably about 20 years ago where some protestors chained themselves to the gallery.

I'm not sure where — otherwise, we're looking at the aerial surveys —

**Speaker:** Ten seconds.

**Hon. Mr. Clarke:** Thank you. I'll continue my question. But we are not promoting predator control in the Yukon.

**Mr. Istchenko:** Thank you, Mr. Speaker. I'm not exactly sure what the minister was getting at there. But the problem with the Liberals' approach to wildlife management is that it is solely focused on restricting licensed hunters. When there's an issue with a species in a particular area, they simply restrict or shut down licensed hunting and hope it works. This approach is what the Fish and Wildlife Management Board described in their letter to the minister about the South Canol moose PHA as, and I say — quote — “whack-a-mole” approach. They shut down hunting opportunities in one area and all they achieve is pushing the pressure to other areas.

So, what steps — other than to restrict licensed hunting, like I said in my first questions — is the minister taking to actually help increase the moose population in the South Canol area?

**Hon. Mr. Clarke:** The department relies on our science-based guidelines for management of moose in the Yukon to inform moose management decisions. These guidelines were developed using the data from over 70 previous moose surveys in the Yukon.

So, Mr. Speaker, I'm receiving advice from my wildlife biologists and the subject matter experts, and they advise — and I was surprised, but there have been 70 prior moose surveys. So, they combine information garnered from harvesters and First Nation and community partners with results from those scientific surveys so that management decisions are informed by the best and most current available data.

Mr. Speaker, in many cases, new or additional surveys are not necessary to know that there is a sustainability issue in an area. The harvest data that we collect every year gives an excellent view into whether a moose population is being harvested sustainably.

I have provided information, Mr. Speaker, with respect to the aerial surveys that were conducted and the funds that were appropriated for that — in the range of \$700,000 for this year. We are doing that again next year.

So, to the member's question as to what we are doing to ensure sustainability, well, we are getting the data, we are determining the areas of stress, and we are making the best decisions possible based upon the best available data.

**Mr. Istchenko:** The lack of attention to how this limitation of hunting opportunities will affect the broader issue of moose management in the Yukon is very concerning. As the Fish and Wildlife Management Board said to the minister in their letter — and I quote: “The board's perception is that this will move hunters from the South Canol to other Traditional Territories.” The board concludes that this will actually make the territory-wide moose management concerns worse. It will.

So, I will ask again, as I asked in my previous two: Will the minister stop just resorting to restricting licensed hunters as the only means to address moose management concerns and start taking a broader approach to moose management that

considers measures that will actually help the population of moose?

**Hon. Mr. Clarke:** The decision to vary the recommendation in the South Canol range was approved and relayed to the board because of evidence provided which supports the immediate regulation of harvest to ensure sustainable moose populations in the South Canol moose management unit area. In addition, as I advised previously, a survey conducted in 2013 indicated that to have a sustainable harvest, a total of 15 bulls for both licensed and First Nation hunters could be harvested in any one season.

From 2017 to 2021, licensed harvests alone accounted for between 13 to 19 bulls per year, not including the First Nation harvest. So, while licensed harvests have been relatively consistent for many years, the harvest numbers indicate that it is at a level that is overharvesting the moose population and taking a disproportionate amount of the sustainable harvest.

Surveys are very expensive — between \$100,000 and \$250,000 — and there is a strong rationale to direct our available survey funds to other areas where there are emerging conservation concerns. Therefore, the board did not commit to doing that survey at the time. However, we are committed to doing it this year.

We are open to all suggestions from across the House as to other methods to support moose populations and opportunities for all —

**Speaker:** Order, please.

#### **Question re: Wildlife harvest allocations**

**Mr. Hassard:** Like many businesses in the territory, Yukon's big game outfitting industry was hit hard by the COVID pandemic. Relying on advance sales of hunts, sometimes a year or two ahead of time, the travel restrictions caused obvious and understandable issues for this industry.

Going forward, it will take several years for this industry to fully get back on its feet and clear up some of the backed-up pre-sold hunts over the course of the last several years. However, the industry is concerned that, as they are still trying to recover from the pandemic, the government is creating uncertainty for the industry by launching a review of the guidelines to establish outfitter quotas.

Can the minister confirm that the Liberal government intends to review these important guidelines?

**Hon. Mr. Clarke:** Yes, the answer is yes. Outfitting — we will be reviewing the guidelines. Outfitting is a valued industry in the Yukon that benefits communities through employment opportunities, the purchase of goods and services, and, in many cases, a donated supply of fresh meat.

The Department of Environment does intend to review and modernize the 25-year-old guidelines to establish outfitter quotas currently used to establish moose, caribou, and sheep quotas. The intent of modernizing the quota process is to align the industry with the wildlife values of Yukoners, bring the process into conformity with the Yukon *Wildlife Act*, and provide a consistent and transparent approach to quota allocation for big game outfitters.

Once we initiate this review process, we intend to seek input from First Nations, the Yukon Fish and Wildlife Management Board, the renewable resources councils, the outfitting industry, and the public. In the interim, Mr. Speaker, during the review process, the department will establish quotas for all outfitters, ensuring alignment with the *Wildlife Act* and providing as much certainty as we can for industry.

Mr. Speaker, I met with the outfitters prior to this Sitting, and I'm certainly prepared to meet with outfitters again in the spring and the summer, but these 25-year-old guidelines are out of date.

**Mr. Hassard:** Given the nature of the industry, outfitters rely on planning hunts on a multi-year basis and having appropriate flexibility in their allowable harvest from year to year over the term of their quotas. For decades, and without issue, they have been able to do this with multi-year quotas and rollover or evergreen provisions as provided in the outfitter quota guidelines, which give them the certainty to book hunts in advance.

However, now we understand that the Government of Yukon is moving to single-year quotas and eliminating rollover provisions. This makes booking hunts and planning for them almost impossible for this industry.

Why is the government moving away from the established practice of multi-year quotas?

**Hon. Mr. Clarke:** Thank you for the question from the Member for Pelly-Nisutlin. The member is correct. The Department of Environment received a legal opinion indicating that it is their opinion — or provided to me that we do not have the authority under the Yukon *Wildlife Act* to implement multi-year operating certificates or quotas.

We recognize that this is an issue for industry and also for the department. We have assured the outfitters and the renewable resources councils that, all things being equal, annual quotas will remain at the same levels until we have a new quota process in place.

Mr. Speaker, I have reviewed the history of the allowable harvest quotas in the various concession areas throughout the Yukon. My observation was that they have been relatively consistent and relatively predictable providing — as the Member for Pelly-Nisutlin asserts — that there has been some ability to plan accordingly.

We certainly appreciate the economic opportunities and benefit that outfitters provide to the territory. We'll do the best possible to work and liaise with outfitters to conduct these reviews —

**Speaker:** Order, please.

**Mr. Hassard:** It's important that the minister understand that the ability for the outfitters to be able to do that planning is vital to their industry.

Reviewing the outfitter quota guidelines and moving to a single-year quota system is tremendously destabilizing for the outfitting industry, not to mention that this comes as the industry is just getting back on its feet from hits it took through the pandemic.

Does the minister acknowledge that making these changes to the fundamental rules of how this industry operates, right as

it is starting to recover, is throwing even more instability at this industry?

**Hon. Mr. Clarke:** I have no intention of throwing the Yukon outfitters into any sort of disarray. I can advise that my department is having regular meetings with the Yukon outfitter liaison committee as indicated. I have met with the outfitters previously and am prepared to do so again.

We will be acting in the spirit of transparency and will have future meetings to discuss all related issues.

As I indicated in my quick survey of the quotas that have been established for the various game animals over the concessions in the Yukon, those numbers have been relatively predictable. Of course, there are years where there are areas of stress and those numbers have been adjusted, but the ability of outfitters to plan has still been maintained in my respectful view.

Plainly, the guidelines to establish outfitter quotas are 25 years old. They are out of date. They are not consistent necessarily with First Nation governments and they are not consistent with regional resource council mandates either. They need to be reviewed in a collaborative, transparent manner.

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

## ORDERS OF THE DAY

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

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

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

The matter before the Committee is general debate on Vote 10, Public Service Commission, in Bill No. 203, entitled *Third Appropriation Act 2021-22*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

### Bill No. 203: *Third Appropriation Act 2021-22* — continued

**Chair:** The matter before the Committee is general debate on Vote 10, Public Service Commission, in Bill No. 203, entitled *Third Appropriation Act 2021-22*.

Is there any general debate?

## Public Service Commission

**Hon. Mr. Streicker:** I would like to begin by welcoming our support folks from the Public Service Commission. We have with us today Paul Moore, the Public Service Commissioner, and we also have with us Sasha Gronsdahl, who is our acting director of policy. I thank them for coming today.

When I rose to speak at second reading on the supplementary budget, I talked about the reasons that the Public Service Commission is here. I will ever so briefly just reiterate that, roughly speaking, it is an additional \$2 million that is being appropriated. It is largely for two things: first of all, \$1.34 million which is going to the employee future benefits fund, and also an additional \$630,000 which is going to the workers' compensation payments fund.

I look forward to rising to answer questions from members opposite today in Committee of the Whole.

**Mr. Kent:** I appreciate the minister's opening comments. When it comes to the Public Service Commission, I know that my colleague for Copperbelt North is the critic for this and he has a number of questions. However, we will defer those questions to debate during the main estimates.

So, again, I thank the minister for his comments today and I thank the officials for attending and I will turn it over to my colleague from the Third Party.

**Ms. White:** I thank my colleague for passing over the microphone and I will take advantage right now of this opportunity because, truth be known, by the time we get to the part where I would have the opportunity to ask questions during general debate on the Public Service Commission, I may have four and a half minutes at the end of a day on a Thursday before we clear everything.

So, today, what I want to talk about — which I don't think that it will come as a surprise to the minister — is sexual harassment within the public service and how the Public Service Commission deals with that. I think that what I would like to start with is — I will just ask a question: Is there a policy within the Public Service Commission as to what happens if an individual has been charged and then found guilty of sexual harassment within the public service?

**Hon. Mr. Streicker:** Of course, sexual harassment has a whole spectrum to it, but as the member opposite posed the question — it was: If someone had been investigated and found guilty of sexual harassment, what is our typical recourse? It would certainly be to release those folks. They would be fired.

There is a whole range under our GAM, *General Administration Manual*, which is a set of policies we have around addressing conflict and inappropriate conduct in the workplace. I can answer more questions about that. There is a set of policies that are under there about how we address harassment and sexual harassment and concerns around sexual harassment in the workplace.

**Ms. White:** I do thank the minister for that. It is a relief to know that when someone is found guilty, they are released.

The next question is: Is there a policy that exists when it comes to rehiring people that the government has released

because of being found guilty of sexual harassment within the public service?

**Hon. Mr. Streicker:** I guess I will begin by saying that I know where some of this questioning is going because I have had some of these questions with the Leader of the Third Party previously. I will talk in generalities, of course, to try to be careful about any specific references.

She will know that I have explained to her in the past that, whenever we hire anybody in the government, we ask for references. We look at their past employment history. We consider things depending on the type of position that they're taking. For example, if they're going to be working with kids, youth, or people who are vulnerable, then we would require certain criminal record checks so that we make sure that the people we are hiring have no history of inappropriate work behaviour or criminal behaviour.

But when it comes to people who have been let go from the government, we do not keep, for example, some sort of blacklist that says that they have been let go. We don't have a policy or a way to be able to keep a history or a list of that person's — if they had, for example, been found guilty of sexual harassment, we don't keep a file on them. What we do is, if someone moves to a position — let's say that someone has been found guilty of sexual harassment and they move on to another workplace, whether it is within the Yukon or not, if we are asked about that person, then we would provide that reference to say that they were dismissed and under what circumstances.

So, that's the way in which we would keep that information there if someone were to reapply.

**Ms. White:** I thank the minister for that.

Right now, I'm just talking in the "what if" and the "could be". Sexual harassment has become such a hot ticket item in the territory that an individual office is open to support both employees and employers in walking this path. When Yukon government tells me that if someone is found guilty of sexual harassment in the workplace and if they are released because of that, my concern is, if they reapply and they get hired back by Yukon government, what kind of message does that send? What message does that send to victims? If we hire someone back who was found guilty of sexual harassment and who was released by Yukon government, what do we tell that victim when they are hired back by the public service — by Yukon government?

So, I am asking that there be a policy. I am asking that Yukon government maybe work with the sexual harassment office to figure out a way to navigate this, because what do we tell victims if we rehire someone who we fired because of being found guilty of sexual harassment?

I have to say that I'm a bit appalled, to be honest, because there does need to be consequences to actions. But if those consequences aren't lasting or those consequences don't carry on — you can get fired from one job and hired back for another — that should be a concern. It's a concern to me, definitely. Standing here as a woman in a place where I should not have to deal with sexual harassment, that is a concern to me.

So, I hear what the minister said, but I think that leaves a lot of people asking: Well, what's the point? What's the point of coming forward with a complaint? What's the point of putting yourself out there? What's the point of having to relive it? What's the point if the consequences are — we don't know what happens. You can be released from a position, but you can get rehired by Yukon government.

Partially, the reason why I'm bringing this up right now is that there was an article from the March newsletter from the Yukon Employees' Union talking about this.

So, if the minister wants to add a couple more thoughts, I welcome them. But what I really am looking for is: How do we make sure that we have the most supported public service? If we're telling victims that someone can be released from Yukon government and then rehired, what are we telling victims with that?

**Hon. Mr. Streicker:** I want to try to point out a few things. When the member opposite stood on her feet and was asking a question, she talked about "if this happens" — if — and then shifted to "when". There was this reference to the Yukon Employees' Union. I, of course, saw the note that the Yukon Employees' Union put out there. I think it is very important to say that we take sexual harassment seriously. I know that the Public Service Commissioner followed up on a situation. I am going to stop there because I know that I'm being pulled into talking about specific situations, which I don't wish to do.

The point is that if — now here I go with "if" — there is someone who is found guilty of sexual harassment, first of all, from the public service perspective, they are let go. I want to be careful because I don't think that all of the information that the Yukon Employees' Union shared is quite correct, but let's leave it there for now. What I can say is that we are working with the Yukon Employees' Union to look at policies around how to make sure that people are protected through the Respectful Workplace Office and our policies around it and how follow-up happens.

At present, we do not keep a blacklist or a list of people with past offences. The way in which that happens is that if someone asks for a reference, then we are able to give a reference and look back at their past employment history. If there is sexual harassment of a nature that is criminal, that moves on to the RCMP and is dealt with there.

I wasn't entirely sure, when the Leader of the Third Party was asking the questions, if we were talking about the Respectful Workplace Office or if we were talking about the sexualized assault response team, but if there is assault, then that is criminal in nature and the advice is to go over there. In my very first response, I did talk about a range of things — some sexual harassment is assault and some is not. I think that where the Public Service Commission works on it is where it is not criminal in nature. Anything criminal would be referred to the RCMP.

The member opposite asked the question about how people can be supported and how they would work to bring forward their concerns. I think that the Respectful Workplace Office has a strong track record of working to support public servants and

to do that in a way to make sure that they are supporting them so that they have a workplace that is safe for all. I think that they have worked hard to that end, and I think that this is one of the ways in which we take sexual harassment seriously.

I think that there was an issue that happened recently, and when the member opposite and the union drew it to our attention — I know that the Public Service Commissioner addressed it right away. What I can say is that the individual being referenced no longer works for the Yukon government. I know that the Public Service Commissioner addressed this directly. I will leave that there.

Again, I am happy to talk about ways in which we work to support public servants and make sure that their workplace is safe, but I will also do my best to try to stay away from this specific example.

**Ms. White:** I thank the minister for that. I am asking about policies. Yes, there was a specific example. I am not talking about the specific example. I am asking about department policies. A policy is a road map on how you deal with these situations — currently or into the future. I want to know about the policies. I would hope that policies within the Public Service Commission exist. I would hope that the policy exists that someone could be let go, released from employment — found guilty and released. I want to know what the policy is about what happens if someone who has been released by Yukon government reappears.

I'm not talking about a specific case. I want to know what the policy is. I want to know how, from the present time into the future, we deal with this. When I'm asking about the policy, I'm just trying to get an idea of how we collectively deal with this. The Public Service Commission offers support to departments. My thinking of how it is — if it was a pyramid, the Public Service Commission is the one that is disseminating that information out to departments — the policies on how we do this.

So, what I'm trying to figure out right now is: If a policy exists, what is it? If a policy doesn't exist, is there an interest in developing one or getting the professional support to have one developed so that it makes sense within the public service? Again, when we talk about Yukon government, we're talking about thousands of employees. This is a very distinct possibility — present or into the future. I just wondered about policies.

I'm going to hand it back to the minister because I want us to be on the same topic.

**Hon. Mr. Streicker:** Sure. I know that we're talking about policies, but I also know that the member opposite referenced the Yukon Employees' Union. There is a reason that this comes before us at this moment.

I have already stated that, yes, there is a policy around the respectful workplace and sexual harassment, and it's found under the *General Administration Manual*. I would be happy to dig it out, although I suspect that, in my very first letter back to the member opposite, I probably was given that reference and probably gave it across, but I'll check to make sure.

I can also say that it isn't just about response; we also work on the front of prevention. For example, there's training, there's coaching, and there's mediation. There are a lot of levels at

which we work through the Respectful Workplace Office. I think the member opposite's suggestion that the Public Service Commission is an essential agency that supports all other departments — that is a very fair point. I think it's also important to note, as I've already stated, that we are working with the Yukon Employees' Union to identify if there are ways to improve this. That is also correct. In terms of how the policy works, those are the ways in which it's active right now.

I can advise that the policy from the *General Administration Manual* is policy 3.47. It's all about a respectful workplace. I won't read it into the record, but I will make sure that it's available for all members.

So, yes, I agree with the member opposite that we should work to have a respectful workplace and that we should work with our unions to review that and to work to keep it effective for public servants.

I'm happy to answer further questions.

**Ms. White:** Thank you to the minister. The minister talked about hiring, and he talked about how you would ask for references. So, is there a policy for a Yukon government employee — for example, a manager, administrator, or anyone who would be asked for a reference — is there a requirement for that disclosure?

When we were talking about it before and the minister said that they have hiring policies and you contact the previous employer and ask for references — so, is there a requirement internally — a policy within Yukon government from the Public Service Commission — about how those references are given? For example, what's included and what's not included?

Again, I'm talking very specifically around the issues of sexual harassment.

**Hon. Mr. Streicker:** I will have to look into the HR policies specifically to see what there is specifically around this. What I can say is that it is considered best practice from a human resources perspective that, when you are asked to provide a history or a reference about an employee, you would provide all relevant and pertinent information, including if there are workplace digressions or things like that. That would all be what is appropriate.

There is a *General Administration Manual* policy 3.25, which talks about security clearances, so that would outline when departments may conduct security checks, especially if the person is going to be working in the vulnerable sector. So, there are times when it is explicit. I would have to look back or ask the Public Service Commission to look back through our human resources training in areas where this would be outlined as a professional practice.

What I'm sharing with the House today is that the appropriate practice for human resource departments or groups is that, when they are asked for references, they give a full account of the information that would be relevant for the history of a person applying for a position.

There are also manuals that would be there within those human resource departments, such as staffing manuals where there would be guidance on reference checks.

**Ms. White:** I do thank the minister for that. The office that I was referring to was actually opened by the Yukon Legal

Services Society, jointly funded by Justice Canada, and it is specifically to deal with sexual harassment in the workplace. In the same breath, I know that the Human Rights Commission came out with an entire manual on sexual harassment in the workplace.

I guess what I'm urging right now is — I think that this is a topic that we collectively need to look at — the minister as the Minister responsible for the Public Service Commission. This is just about putting in best practice. What I am looking for is: How do we make sure that the mistakes of the past don't happen again in the future?

It is about developing policies that are responsive when things go wrong or being able to head them off before that point. This is not an easy topic of conversation for anybody — for me, for the minister, for the witnesses who are here — but it is an important one because what we talk about here can help shape how we do develop those policies into the future and how we can look at addressing those things.

I appreciate that it probably came off as highly critical, but mostly, I just want to make sure that, if I have the privilege of being here in five years' time, I am not having the same conversation — that the minister can come back and say: "Here are these great policies that we have put in place that have been created with the support of people who are professionals in this, and this is how we are making sure that the public service is as strong and as supported as it can be."

This is the only topic of conversation that I wanted to tackle today. So, with that, I thank the minister and his officials for the time because when we get to general debate — and I will allow the minister to keep going, but my point is that this was my opportunity because, when we get to the budget, I actually have questions about that as well.

**Hon. Mr. Streicker:** I want to thank the member for her important questions on an important topic. I want to say that I know that the Public Service Commission is working with the Yukon Employees' Union to review and revise how these policies can be improved or strengthened to make sure that our workplace is safe.

Originally when I was answering the questions, I was thinking about offices within the government itself. I thank her for mentioning the Yukon Legal Services Society. I know that, for example, the Public Service Commission works very often with the Yukon Human Rights Commission. I will check into the work that the Yukon Legal Services Society does and seek their feedback with respect to this work. I know that these are important questions. I understand that it is complex.

All labour law is complex, but it's critically important. So, I appreciate the questions. I thank the commission for the work that they have been doing around this issue. I think it is good that they're working with the Yukon Employees' Union, and I will check to make sure that they are availing themselves of the opportunity to work with other groups like the Human Rights Commission and the Legal Services Society.

**Chair:** Is there any further general debate on Vote 10, Public Service Commission?

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

**Ms. White:** Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all lines in Vote 10, Public Service Commission, cleared or carried, as required.

**Unanimous consent re deeming all lines in Vote 10, Public Service Commission, cleared or carried**

**Chair:** The Member for Takhini-Kopper King has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all lines in Vote 10, Public Service Commission, cleared or carried, as required.

Is there unanimous consent?

**All Hon. Members:** Agreed.

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

***On Operation and Maintenance Expenditures***

***Total Operation and Maintenance Expenditures in the amount of \$1,970,000 agreed to***

***On Capital Expenditures***

***Total Capital Expenditures in the amount of nil agreed to***

***Total Expenditures in the amount of \$1,970,000 agreed to***

***Public Service Commission agreed to***

**Hon. Mr. Streicker:** Madam Chair, I move that you report progress on Bill No. 203.

**Chair:** It has been moved by the Member for Mount Lorne-Southern Lakes that the Chair report progress on Bill No. 203.

*Motion agreed to*

**Chair:** Committee of the Whole is continuing general debate on Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

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

**Deputy Chair:** The matter now before the Committee is continuing 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. We, I believe, are approaching the tail end of general debate now, and before we conclude general debate, I want make a few notes.

So, earlier today, I noted that the minister had responded to both the Child and Youth Advocate, as well as the Information and Privacy Commissioner, by letter. The minister

also shared those letters with me and the Third Party, and I would like to express my appreciation to the minister for that.

The answers in the document that was provided to the Child and Youth Advocate and the Information and Privacy Commissioner were very helpful. It was a request that I had made last week and so, like I said, I would express my appreciation to the minister for including me and the Third Party on those letters so that we can see them.

Those came in a few hours ago, and so I confess to having not thoroughly gone through them. I scanned through the appendix to the letter to the Child and Youth Advocate, and I noted that the minister provided an explanation, a rationale, and a response to the suggestions from the Child and Youth Advocate. In the case of the Information and Privacy Commissioner, the minister provided a letter that addressed the concerns raised by the IPC.

So, prior to receiving those, we had contemplated the idea or the possibility of amendments to the bill, but noting that the minister has responded to those independent officers of the Legislature now, we feel that amendments probably are not the best course of action, and so we will be willing to proceed through clause-by-clause debate and hopefully pass this bill today or at least pass it through Committee today.

I did want to note that we haven't had the opportunity to hear back from either of the independent officers of the Legislature about their response to the minister's letters, so we don't know whether or not those independent officers will actually have further input or will agree with the minister about the need to provide further amendments to the *Child and Family Services Act*.

What I would ask is that, going forward, I hope that the minister is willing to meet with those independent officers of the Legislature to consider their input and their response to her letters of today and entertain at least the possibility of further amendments, if necessary, further in the future; that could be perhaps this fall or later, depending on the need or depending on those discussions between those independent officers of the Legislature and the minister.

I do want to conclude my comments by indicating that it would have been more helpful if those discussions had happened prior to the tabling of the bill and if the input from the Child and Youth Advocate, in particular, could have been considered prior to the tabling of the bill. That would have been more helpful in expediting this process and debate, but such is the way it happened. We can move on.

With that, I won't have any further questions in clause-by-clause debate, although it's possible that my colleagues either in the Third Party or here may, but I wanted to note for the minister and others that we will not be pursuing amendments to the bill today. While there are some outstanding questions about the response from those independent officers, I think that everyone agrees that the bill is an improvement on the legislation, that it is a good step forward and should be passed by the Legislature, not just in Committee today, but at third reading at a date of the choosing of the government.

With that, I will conclude my comments in general debate and look forward to seeing the passage of the bill through Committee today.

**Hon. Ms. McPhee:** Thank you for the comments from the Leader of the Official Opposition. I just want to clarify a couple of things — presented with this opportunity to do so. I do appreciate the comments from the other side and the support for Bill No. 11 going forward.

I just wanted to clarify, based on some of the comments about timing with respect to the amendments suggested by the Child and Youth Advocate. The correspondence shows clearly that the Child and Youth Advocate intended to file her report, including her recommendations, with the Legislative Assembly on the same day as we tabled the bill, and so there would not have been the opportunity to discuss those. We weren't provided with them. I think that we did get an e-mail, not unlike the Council of Yukon First Nations, indicating that the Child and Youth Advocate wanted to table her report — sorry, I said “file” and I meant the word “table” — at the same time that the bill was being tabled. When asked when that was, I think that I have already noted that the Leader of the Third Party and I both responded, asking if we could see a copy of that report, and then it was tabled on the same day that the government tabled the bill here in the Legislative Assembly.

Which is all fine, but I don't want there to be this misperception that somehow the government, or the Department of Health and Social Services, could have considered her comments and recommendations prior to that, because it clearly indicates in the letter that I tabled here in the Legislative Assembly yesterday that it was her intention to file those things on the same day, again, which is a fine process.

I want to reiterate the commitment that the Child and Youth Advocate — I think it's clear in the letter that I provided to the opposition today that the Child and Youth Advocate and the Information and Privacy Commissioner will both be invited to participate in the implementation working group once the structure of that group is in fact determined.

The first meeting of that group with Health and Social Services — the Council of Yukon First Nations and the First Nation governments have been invited to attend that first meeting on April 6 — if I have that date correct — and at that point, if the Child and Youth Advocate or the Information and Privacy Commissioner — either of those two individuals — are not able to participate — certainly they can participate however they choose with respect to that group, but if they're not able to participate, they will be provided with updates. We'll work with them to provide those updates in a useful way from the committee, and also, they will be afforded the opportunity to review and comment and provide input on appropriate policies or provisions that are developed as a result of implementing the result of that committee's work in order to implement Bill No. 11 ultimately — hopefully, the new *Child and Family Services Act* with amendments.

Lastly, I think I will just take this opportunity to note that on March 17, the Council of Yukon First Nations wrote to me in my role as Minister of Health and Social Services. I won't read the entire letter; I believe it has been tabled in this debate.



But I just wanted to reiterate their commitment as well — two points, really. I am paraphrasing, but the report from the Child and Youth Advocate was reviewed by the Council of Yukon First Nations.

They indicate that — I'm quoting now from the second paragraph: "This report informed the development..." — sorry, they were initially talking — just back up for a second and say — quoting from the third paragraph: "The Yukon Child and Youth Advocate Office advised CYFN..." — which is the Council of Yukon First Nations — "... by email message on March 11, 2022, that she is recommending a package of revisions to Bill 11 be tabled in the Legislative Assembly to compliment Bill No. 11. While CYFN appreciates the matters raised by the Child and Youth Advocate, we are concerned that these proposed provisions would only serve to delay the timely enactment of Bill 11. CYFN and YFN would have to undertake additional reviews and analysis of the proposed revisions since there was no consultation or engagement with the CYFN or YFN during the development of the Child and Youth Advocate's proposed revisions. Therefore, we do not support any such revision to Bill 11."

It goes on in the fourth paragraph to say — and I quote: "CYFN is prepared to commit to work with the Child and Youth Advocate and Government of Yukon to review the issues raised in the proposed revisions and, where appropriate, implement them in policies and procedures and identify future changes to the act. We look forward to establishing a relationship with the Child and Youth Advocate to work collaboratively with respect to matters that affect Indigenous children."

It goes on to close the letter.

I think this is an excellent step forward on behalf of those who work in the child welfare arena. I think it is very respectful of the relationship — the government-to-government relationship — and the government-to-government process that was enacted for the purpose of proceeding with developing Bill No. 11 and changes that are remarkable to the child welfare system here in the territory, as well as the concept of progress in relation to having this kind of legislation developed in a partnership with Yukon First Nations, as we know that it primarily affects Yukon First Nation children, and their impact on this process has been significant. They will continue to be partners as we proceed with the implementation of Bill No. 11.

I am, as I've said, very proud of the work of the department. Geri MacDonald and Caitlyn Knutson are with me here again today in the Legislative Assembly. They see the culmination of so many hundreds of hours of work, collaboration, and cooperation and a really significant shift in how child protection work and child welfare systems must respond to the needs of children and families, and they will focus on children, youth, and families going forward.

I appreciate the opportunity to address those last few issues. Thank you.

**Deputy Chair:** Is there any further general debate on Bill No. 11, *Act to Amend the Child and Family Services Act (2022)*?

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

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

**Ms. White:** I think that this is an important one — where it rewrites the preamble of the *Child and Family Services Act* — so I would like to give the minister an opportunity to just highlight some of those changes. This is what changes how child welfare will happen in the territory, so does the minister have any points for the preamble?

**Hon. Ms. McPhee:** I reviewed the amendments to the preamble or part 2 of Bill No. 11, which will replace the preamble in the *Child and Family Services Act* with the following references. I did highlight them in the second reading address to the Legislative Assembly, but they are unprecedented in my view. I have not done the cross-jurisdictional scan, but I am sure others who have worked on this project have, but it is certainly not something that I have seen in over 30 years of working with legislation.

The preamble in Bill No. 11 indicates that: "Every child is entitled to personal safety, health and well-being..." It indicates that: "Children are dependent on their families for their safety and guidance and as a result, the well-being of children is promoted by supporting the integrity of families..." It indicates that: "Every child's family is unique and has value, integrity and dignity..." These are remarkable statements with respect to a child welfare system.

It indicates that: "Members of society and communities share a responsibility to promote the healthy development and well-being of their children..." It makes references to the United Nations' *Convention on the Rights of the Child* and the *International Convention on the Elimination of All Forms of Racial Discrimination*. This is a critical reference because the following references are the lenses upon which this legislation is measured and must be reviewed.

It also makes reference to Canada having passed *An Act respecting First Nations, Inuit, and Métis children, youth and families*, which sets out the principles that are applicable on a national level to the provision of child and family services in relation to indigenous children. It is groundbreaking work that has been considered here, and we have measured our legislation against such laws for Canada.

Government of Yukon, it also notes, will continue to work with Yukon First Nations to fulfill commitments to the Truth and Reconciliation Commission's calls to action.

It makes reference to the fact that the Government of Yukon is committed to implementing the recommendations outlined in *Changing the Story to Upholding Dignity and Justice: Yukon's Missing and Murdered Indigenous Women, Girls and Two-spirit+ Strategy*.

It also makes reference to the fact that the Government of Yukon is committed to reconciliation and to honouring the spirit and intent of the final and self-government agreements. The Government of Yukon has acknowledged in this preamble the legacy of the Indian residential school system, the ongoing systemic barriers and racism, and the ongoing intergenerational trauma and harm to indigenous people and individuals that

must be considered when looking at child welfare policies and practices.

It also affirms the Yukon government's commitment to address the overrepresentation of indigenous children involved in the child welfare system and acknowledges that a child's connection to their cultural, racial, and linguistic heritage — the importance of those — and that the Yukon government is committed to supporting and strengthening those connections.

This act has been developed through the combined efforts of the representatives of the Government of Yukon and Yukon First Nations, as well as groups and organizations with an interest in the welfare of children. I daresay that this is an integral part of our child welfare system going forward, but it will be, I believe, a precedent and a benchmark for other jurisdictions to review.

Anybody who has concerns that this is somewhat repetitive or unnecessary only had to be in the conversation or at the table with the steering committee that did the work on this matter to know how important it was — that, for each and every one of them, all of these references be included in the preamble. I appreciate the opportunity to review them here because they are integral to how this process will work, and they are the security for our Yukon First Nation youth, children, and families to know that their rights are first and foremost in relation to these child protection provisions and the laws of this jurisdiction.

*Clause 2 agreed to*

*On Clause 3*

**Ms. White:** In section 3, we're talking about the changing of definitions. My question actually has to go around the replacement of (e). So, (e) in the existing legislation says: "... a person with whom a child resides and who stands in place of the child's mother or father..."

Sorry, Deputy Chair, the definition of "parent" is the section that I'm in.

It's being replaced with "... but does not include a director or a person with whom a child is placed by a director or an adoption agency and who, by agreement with the director or administrator of the adoption agency, has assumed responsibility for the care of the child..."

I'm just looking for clarification for that. So, it is section 3 and it is (d) and it's replacing (e).

**Hon. Ms. McPhee:** The definition of "parent" included — this is a clarification; again, we're looking at 3(d). The definition of "parent" does not include anyone who either a director or an adoption agency has placed the child with. Just for clarification, those are temporary situations and they don't become — those individuals do not have parental status. Foster caregivers or extended family caregivers and those who want to be adoptive parents, but the adoption order has not been finalized yet, are not considered "parents" under the act. This further ensures that those who are providing care to a child on behalf of a director or an adoptive agency do not have custodial rights to the child. So, it's just a clarification and appropriately put in the "Definitions" section.

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

**Ms. White:** In clause 5, the first question I had was around "Guiding principles". "Guiding principles" in the original act is being replaced by a whole new section of guiding principles.

Particularly, what I want to know is — so, under guiding principle 2(d) in the amendment, it says: "... it is essential to the well-being of a child that the languages, cultures, practices, customs, traditions and ceremonies of, and knowledge held by, the child's family and community are passed on to them and that they are able to learn about and practice them..."

So, one of the questions I wanted to ask is — during Committee of the Whole, we talked about how it wouldn't matter what culture the child came from. So, if the minister can just elaborate or just restate it. So, it's being sure that, for example, if a small person was Hungarian and there were those cultural practices, that they would also be respected in the same way, for example, if a child was indigenous.

**Hon. Ms. McPhee:** I'm happy to do that. I make reference to section 5(d), I think it is. But just before I do that, I would just like to correct something I said earlier. I misspoke with respect to the dates. I just wanted to clarify that Bill No. 11 before the Legislative Assembly was tabled here in the Legislative Assembly on March 9, and the report from the Child and Youth Advocate came to this House on March 10. That's the information I have. I didn't have them in front of me to check the dates, but I just wanted to clarify that situation.

With respect to section 5(d), the amendment here highlights the importance of a child being able to learn, engage, and practice their language, their culture, their practices, and their customs, traditions and ceremonies, and knowledge shared by family and community.

Again, as we've spoken about, trying to keep a child as close to their family as possible, the steering committee recommended that a principle here should capture the importance of cultural continuity and the importance of a positive cultural identity. So, recognizing that, it is not in this section related to any particular culture. If a child was of a culture other than an indigenous culture, for instance, that connection would be just as important to the family traditions and to the language there.

Children of all different backgrounds will be supported to maintain connection to their culture. So, it is a general statement but incredibly important. The government will be funding all cultural plans and cultural connection activities for all children living in out-of-home care.

So, that's the importance of connecting that section as a guiding principle here in Bill No. 11.

**Ms. White:** I thank the minister for that.

The next section that is removed and then replaced is the "Service delivery principles". On 3(b), it says: "... in making decisions about the provision of programs and services, a child's sense of time and developmental capacity are to be taken into account..." So, could the minister expand on that clause, please?

**Hon. Ms. McPhee:** I just want to make sure that I have it correct — 3(b) “in making decisions about...” Those are the first words. Thank you.

This provision removes the idea of — and I quote: “... providing services and taking any other actions under this act...” That was what was removed. The steering committee recommended that to happen so that the child’s sense of time must be considered when planning and delivering services. So, in the wording that currently exists in the act, it doesn’t make reference to that concept, and here it will, noting that a child’s sense of time and developmental capacity are to be taken into account — must be taken into account — when considering the planning and delivery of services. That is incredibly important, of course, when we are dealing with children of all ages. It is an important factor, especially if you are dealing with toddlers, infants, or then again, older children. The entrenchment of this concept here is a “must” and a “shall”, and it is required to be taken into account in planning services for a child.

**Ms. White:** In clause (d), it just talks about how a child and their family must be informed of the services that are available to them and encouraged to participate in the decisions that affect them. We touched a bit about this in Committee of the Whole. We talked about how a child would have access to a lawyer, and we have talked about the importance of letting a child know about the Child and Youth Advocate.

So, can the minister just recap on how a child and a family are informed of the services that are accessible to them?

**Hon. Ms. McPhee:** I am happy to address clause 3(d), which makes reference to a child and their family being informed of services. This amendment outlines the importance of a child and their family being informed of services and being encouraged to participate in decision-making processes. The steering committee recommended that children and families must be informed of services available to them and involved in how those services are delivered to them, so it’s a two-part concept. Ultimately, with respect to the changes in policy, it will result in children, at the very first point of contact — being social workers — being required to advise them of services — advocacy services and others — to support them. They will be required to be referenced to the Child and Youth Advocate, to the Ombudsman, and to the Information and Privacy Commissioner if there are issues. They will also be required to be advised of age-appropriate supports for them, including reference to their First Nation, a First Nation support, or a First Nation governing support.

I note that the Council of Yukon First Nations has a family preservation team that is working at their organization. That might be considered to be an advocacy group or an advocacy service.

I should also note that this goes hand in hand with other changes that are here in Bill No. 11 that require a child’s First Nation and each of the First Nations of the child’s parents to be informed of the situation and to be involved in the collaborative planning process and the opportunity to do that. Of course, they must be supported through that process. They may need assistance to reach those advocacy services. They may need assistance to know about them in the first place and, ultimately,

how those services can be delivered to them and how they will be in touch with those organizations.

So, 3(d) is a bit of a small paragraph, but I think that it has an incredibly broad application. It goes hand in hand with the opportunity for First Nations to become involved at the very first instance and stay involved in the collaborative planning process.

**Ms. White:** I thank the minister for that. I was trying to figure out the best way to communicate what I was looking at. I recognize, I think, that the minister probably has a more comprehensive note than I have, but for anyone who may be trying to follow along at home, I am going through the bill that was tabled. I can even say the page numbers to maybe help us out. I apologize; I recognize that it is challenging and I have my highlighted copy.

I am on page 11 of the proposed bill — 3(g). It says: “... all reasonable efforts must be made to provide a child and members of their family an opportunity to seek a timely review of the decisions made under this Act that affect them.” I just want to know how that will work.

**Hon. Ms. McPhee:** I thank the member opposite for making that specific reference to the sections. I think we’re looking at similar documents, but our page numbers don’t necessarily match. We’ll go with the member opposite’s page numbers.

We’re looking at 3(g) now. This amendment outlines that it is imperative for children and family members to have an opportunity to seek timely review of decisions made under this act that affect them. What you can’t necessarily see here is that the steering committee recommended that the words “should be” be replaced here with the words “must be”, which they are in this amendment.

In the current act, this reference would be that children and family members have the opportunity to — I just want to get the wording: “... all reasonable efforts should be made to provide a child and members of their family an opportunity to seek a timely review of the decisions...”

The words — the amendment requires that to be “must”, which is imperative. It is an obligation on the director of Family and Children’s Services. It is an obligation on those individuals working with families under this process.

Certainly, there is a formal complaint process, and this will be one of the things — the current policies, with respect to the operation of this section in the current *Child and Family Services Act*, will be reviewed and updated to match this process. But the most significant change here is an imperative — a requirement — that the director act in this way.

I think part of the question was: How would that be done? There are many processes through which this development of collaborative planning, working with children, making sure that reunification is a priority, and making sure that their culture, language, and families are included and respected. In all of the activities that occur under this piece of legislation in relation to a child, the director must provide the child and the family with the opportunity to seek timely review of decisions.

I know that this isn’t the place for anecdotes, but I appreciate this to a great extent because certainly one of the

problems in the former child welfare system — as we've talked about, it's shifting and progressing — was that the child, youth, and family were not at the centre of the collaborative planning process and were not at the centre of decisions that were being made, and then having timely reviews of those decisions — and it might be a small decision about a visit or it might be a large decision about reunification planning or something that's more overwhelming. Complaints have been that there has not been the opportunity to make sure that reviews of those decisions and ultimately the collaboration together were working. This is yet another statement about how that will be required here.

**Ms. White:** I thank the minister for that. The next section that's changed is "Best interests of the child". I'm looking at that. I'll just say that it's 4. Within that, in 4(2), it says: "All other relevant factors must be considered in determining the best interests of a child, including..." — and this is the next one I have the question on, so 4(2)(a) — "... the attachment and emotional ties between the child and significant individuals in the child's life..."

The reason why I highlight that is that there are lots of stories that exist of how important a foster family becomes in a young person's life, especially if that foster family is the initial caregiver from the very beginning. So, what I wanted to know is: When we talk about that attachment and those emotional ties, does that include foster caregivers? Does that include other people who may have been assigned by the director?

**Hon. Ms. McPhee:** I really appreciate this question because this is one of the sections where, under 4(2)(a), there is actually no change. I mean that this section is here because there is a change in (b), (c) and (d) of that, but I think that it is still an incredibly important question. The attachment and emotional ties between a child and significant individuals in a child's life would include foster care parents. I say that with a small caveat.

First of all, just let me say further that this section in particular has been amended to add consideration of the child's ability to express their view and their preferences, which is also critical. It has also been amended to reflect the holistic representation of wellness, replacing the word "cognitive" with the word "mental" and including spiritual needs of a child, which were not included before, and including the need to account for a child's age and development when making this consideration. Lastly, in (d), it adds the words "of a child" to clarify this consideration — (d) now reads: "... the cultural, linguistic, religious and spiritual upbringing and heritage of the child..." So, that is the focus.

I just want to return for a second to foster parents, because they play an absolutely critical role in providing support to children who require at-home care as a result of child protection concerns. Foster parents do have a right to apply to the judge for party status under section 48(2) of the act or to be present at a hearing and to make submissions to a judge under section 49(1) of the act, as a person significant to the child. We know, as in the preamble to the question or into the question, the idea that they play a significant role and can be primary caregivers in some circumstances. However, foster parents are not provided party status automatically under the act because the

goal is to reunify a child with their biological parents or extended family.

Automatically including every foster parent as a party to the proceedings might disrupt that process to reunify a child with their family, but this is, of course, contextual. It will be based on specific case-by-case assessments and collaborative planning.

Foster parents are now referred to as "community caregivers" in the Health and Social Services policy and practice manuals — in their policies — and a child and their family, including extended family, lead the collaborative planning processes. Community caregivers, which include foster parents, are invited while identified as necessary and in the best interests of the child in those cases.

Health and Social Services will be working with the community caregivers, including all foster parents, to support them as best as possible in understanding this revision. This shift is a move toward hearing the voices of Yukon First Nations and the implementation of their child- and family-led processes.

I hope that this is the additional information that is of assistance in answering this question. The short answer is yes, it does include foster parents, but noting that the focus here of the entire piece of legislation is the reunification — of course, when possible. If we have a situation where it is not possible, we are still looking for cultural connections and extended family as priorities.

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

**Ms. White:** Thank you, Deputy Chair. I was just so keen on making sure that I had the chance for this.

There are two things that I would just highlight here because there are so many word changes as we go on. I just really want to highlight the importance of changing the words "cooperative" to "collaborative". Also, in the entire legislation, "shall" is being replaced with the expression "must". I am highlighting this in clause 7 because this is the first time where we start to see how it is no longer cooperative planning, but it is collaborative planning. It is not that you "shall" do it; you "must" do it.

So, I think it is indicative of the change that we see throughout, but I just wanted to highlight that, if the minister has anything she wants to add. I just wanted to make sure that I mentioned it, but I'm going to skip over a lot of the "musts" and "shalls" and collaborations as we move on.

**Hon. Ms. McPhee:** I appreciate that reference and pointing that out. It is incredibly integral to how this work will change going forward — those small word changes.

I know we've had some — certainly upstairs — had some recent conversations, and I know other folks have too, with legislative drafters, about "shall" versus "must". A legislative drafter will say that "shall" and "must" require the same action. However, the steering committee, in their work with our partners going forward in their collaborative work, wanted as much certainty as possible, and so the words were properly and

appropriately changed to “must” to require action on behalf of the department and the director in relation to child protection matters. I think these are all improvements.

*Clause 7 agreed to*

*On Clause 8*

**Ms. White:** So, the next section — so clause 8 is amending section 7, which is talking about participants. So, I’m looking on page 14 of the act that was tabled. I’m going into any person — so, it’s saying that paragraph (f) is going to be replaced or — sorry — (e) is saying that paragraph (f) is going to be replaced, and this is really where I’m going. Paragraph (f) is going to be replaced with: “... any person that a person referred to in paragraphs (a) to (e) considers would be of assistance in developing the plan including a friend or support person.”

So, that would be included in the collaborative process. So, could the minister just expand or give me some examples on who might fall within that?

**Hon. Ms. McPhee:** This amendment clarifies that all individuals who are invited to a collaborative planning process can be — can indicate — sorry — that process can indicate other people whom they see as being supportive or important to providing support during a collaborative planning process. By enabling any participant to bring a support person, the act provides children and families with more flexibility to include their support network in the planning process. The choice is theirs. I think that’s incredibly important.

As examples, I can see a youth involved in this process wanting a friend. It might be a child of a certain age who wants grandma to come or a special auntie. It could be that individuals who support the family or others in other ways, whether it’s through a church or through a support group or through their First Nation or through a community group or friends or family. It widely says all individuals for a reason.

There are two important factors here: “All” is pretty broad, and it is at the direction or the invitation of the individual who wants that support.

*Clause 8 agreed to*

*On Clause 9*

*Clause 9 agreed to*

*On Clause 10*

*Clause 10 agreed to*

*On Clause 11*

**Ms. White:** Just when the House got into the groove of clearing and carrying lines — I warned them: I have a lot of questions, and when possible, I will jump lines.

Clause 11 is talking about section 10. Section 10 is being amended and replaced. That is services and programs. On page 16, on (1.02), there is a long list of services that are going to be offered or available, which I think are really important and I’m not focused on those, but what I want to talk about is (1.02): “To the extent that a prenatal service is a preventive service consistent with what will likely be in the best interests of a child after they are born, the provision of that service is to be given priority over other support services.”

Deputy Chair, I feel like this is a really important clause, but I maybe don’t fully understand it, which is why I’m seeking

clarification. We know that prenatal health for both the person giving birth and the baby is really important. So, maybe if the minister can expand on (1.02).

**Hon. Ms. McPhee:** I have different page numbers, so it’s taking me a moment. I think that I have the right place: (1.02). This provision provides clarity that the intent of prenatal services are preventive in relation to what is in the best interest of a child after they are born — and their family. These services are voluntary. It is here to clarify the context in which the director of Family and Children’s Services can deliver prenatal services to expectant persons and the goal of such services. It is a change and hasn’t been available before. It is a broadening of that opportunity for the director to assist and for those to be preventive in nature.

So, (1.02) states: “To the extent that a prenatal service is a preventive service consistent with what will likely be in the best interests of a child after they are born...” — so there is an assessment there, of course — “... the provision of that service is to be given priority over other support services.” The rationale here is to clarify the context in which the director can act.

**Ms. White:** Just to expand on that a bit, in an ever-changing world, for example, does this mean that an expectant parent could get fast-tracked for treatment for alcohol or drug treatment, that they would have support? It is not a prenatal program per se, but it is definitely a preventive measure for possible harm to the child. Has that been entertained at all or would that be something that would fall underneath (1.02)?

**Hon. Ms. McPhee:** I appreciate the question. This is a remarkable change from the current legislation. The director of Family and Children’s Services had no ability to provide services to an expectant parent prior to the proposed changes here in Bill No. 11. The director’s authority became available or actionable upon the birth of a child, so this is exactly as ascribed in the question. It is preventive. Can we provide services prior to a child being born to prevent what might be risky situations and ultimately prevent a child from being separated from a parent?

In this act, services and supports to expectant parents who may be at risk of becoming involved with child protective services after a baby is born — these types of services and agreements are voluntary and defined as a “preventive” service. So, that is incredibly important to know — that a parent could become involved in this opportunity on a voluntary basis. These new agreements will focus on preventive supports for expectant parents and infants who are at risk of becoming involved with protective services and assisting with preventing separation of an infant and a parent.

The federal act — I made reference to it earlier — respecting First Nation, Inuit, and Métis children, youth, and families establishes a minimum standard for the delivery of child and family services, and this federal act includes a similar prenatal service provision and there is interest to align our territorial act with that piece of legislation. It is forward-looking and also understands that one of the problems, for many years, has been that the director is simply not able to provide those kinds of services ahead of the birth of a child.

We are working trilaterally with Yukon First Nations, the Council of Yukon First Nations, and the Government of Canada to implement this prenatal service provision.

So, it is not yet determined whether it will be child protective services or the director of Family and Children's Services social workers who will be involved. It may be other service providers who will be able to do this. We are working trilaterally to develop regional options to support at-risk expectant people and to prevent child protection involvement and/or separation of parent and child after birth to the greatest extent possible. That is a long way to say, yes, in your example, it could include treatment services or fast-tracking for treatment services for an expectant person.

I wanted to take a moment to explain the structure of this because it is related to the federal legislation and it is a trilateral conversation that's happening. It is certainly not previously seen in our legislation — support for expectant parents.

**Ms. White:** The next section — so, section 2, under services and programs — is transitional services or services to support youth provided under this division. We're amending that, and we're adding additional supports, which I think is fantastic.

So, I want to talk about (k), because (k) says, "... support for or payment of tuition expenses."

The reason why I want to focus on that one is that I just want to make sure that it's inclusive of everything. If a young person was a theatre kid and they wanted to participate in a program specific for that, would it cover what they needed it to? If someone was going into a science stream, would it cover the cost of labs, textbooks, and all those things?

I just want to make sure that, as a young person is transitioning out and they are reaching for that continuing education — or, for example, they could attend the environmental monitoring program up at the Yukon University that has a really hard time accessing education funding. I just want to know that a young person can access the full spectrum of funding that they would need for post-secondary education.

**Hon. Ms. McPhee:** I will try to be less extensive in my answer but still answer the question. The support in (k) — support for payment of tuition or expenses — is not restricted in any way. The changes here to this section were for the purpose of expanding the list of services that the director of Family and Children's Services can deliver to youth who are transitioning into independent living. These are some of the supports that a youth or young adult might identify or have need for.

It includes a list that might include these kinds of expenses, but it is not restricted to this and none of the ones named here are restrictive in any way.

**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 now before the Committee is continuing clause-by-clause debate on Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*.

Is there any further debate on clause 11?

*Clause 11 agreed to*

*On Clause 12*

**Ms. White:** I was just saying no to my colleague who was ready to speed us along.

So, in section 12, we are talking about adding points after the existing legislation of section 10, which is services and programs. This new part talks about the obligation to inform of programs and services, and 10.01 says: "A director must inform a child who is in need of protective intervention, and their parents, of the programs and services that are available under this Division and encourage the child and their parents to participate in decisions respecting the provision and delivery of those programs and services." My question to that is: How?

**Hon. Ms. McPhee:** The steering committee recommended that the director of Family and Children's Services must inform children and families of the programs and services that they are entitled to. While this is already listed as a service delivery principle, it is now also listed with this amendment as a legal obligation of the director.

The advisory committee's required action 75 stated that workers should be informed of services available to maintain the integrity of the family unit. The steering committee recommended going beyond that and directly informing children and their parents of what voluntary preventive services are available for them. As well, this is consistent with the advisory committee's required action 60, which requires that the youth and young adults be informed of services that are available to them.

The question about that is how. This will be a continual obligation, so this will be a requirement at the initial point of contact. It will be a requirement during the collaborative planning process, and it will include the obligation to inform and assist with advocates if they are necessary, required, or available or of interest to the family or the child. This will be an ongoing obligation. The inclusion of it here as a legal obligation of the director is to entrench it in the law. The policies could well be developed to say the "how" — to make sure that there are examples there in the policy — but it is not included here in Bill No. 11 because it all has to be read together as a piece of legislation. It is an obligation that is ongoing and among the obligations and requirements of the director under the law.

**Ms. White:** I appreciate that clarification. Just under 10.01, it says, "Protective intervention required for services". Under 10.02(2), it says, "For greater certainty, a person may, on their own initiative, request that a director provide them with programs or services under this Division and a director may provide services in respect of a child if the director believes the child is in need of protective intervention."

I guess I am looking for clarification. Part of my concern is that someone would have to ask for support as opposed to that support already existing.

So, if the minister could just walk me through 10.02(2).

**Hon. Ms. McPhee:** I'm happy to do that, but I think it needs to be read in context, because this is an opportunity for — let me say it this way: Section 10.02(2) clarifies that any person may request the director provide services to them, and the director may do so without a report under section 22, which is the duty to report or information from a peace officer suggestive of a child protection concern.

This provision supports circumstances where a person voluntarily requests the director to offer preventive support services and the director will need to assess whether the support and services may de-escalate risk of a current situation or prevent further child protection risks. So, this is an opportunity for some preventive services.

Generally, depending on how in the context a matter comes to the attention of the director, it will be a person requesting that the director provide those services, but it could be that it comes to their attention in some other way that would allow them to reach out to an individual, but this is only — I want to make sure I understand that the question is that the person has to ask — yes, that's what this talks about in this, but it wouldn't prevent the director from approaching someone, if they knew of a situation, and it has to be read in context with 10.01, of course, which is the obligation on the director to inform a child who is in need of protective intervention, but they would have to know about that child. Those things all come together.

**Ms. White:** I thank the minister for that clarification. I have just flipped the page and it's 10.03(1). This next section actually talks about prenatal services that may be provided. The reason why I want to focus on this again is I think it's really important. We have the prenatal services mentioned in 10.03(1), but then again, just below this, there is a section that says: "Agreements for prenatal services". The reason I want to highlight this is that I actually know a situation right now where this would be really beneficial for an expectant parent who is trying very, very hard — so having the support. One question I just want to ask right now about the prenatal is that — understanding that when we pass this act, there will be a certain amount of time, I imagine, before it comes into force — but will some of these things that are being talked about in the future be available to people right now — knowing that we're transitioning toward this new act?

**Hon. Ms. McPhee:** Thank you very much. I appreciate the opportunity to emphasize these changes.

This amendment — so, 10.03(1)(a) and (b), and it goes on to speak about 10.04, which I'll encompass here.

This amendment clarifies that in these circumstances working with expectant parents, supports and services are offered to reduce the likelihood of a child being taken in — being in need of protective intervention at the time of their birth or to prevent separation of the child and the parent. We spoke earlier about that.

This clarifies the goal of prenatal services and further restricts prenatal services to child welfare in order to avoid

expanding the scope of this act. The provision recognizes that a person receiving transitional support services may not be in need, nor do they require need of protective intervention to access transitional support services.

Transitional support services — so this is 10.03(1)(b) — are used for youth transitioning out of care of the director or for extended family care. So, those are all in that section.

Section 10.04 notes that this provision provides the authority for the director to offer services without a formal agreement outlined in division 2, because we talked earlier about how they would need to be voluntary and there would be need to be agreement — division 2 being family support services and agreements. This provides flexibility to the director to provide support in a timely manner or in circumstances when an agreement is not necessary — like in an emergency or for short-term arrangements before a plan of care has been drafted — and it enables a director to deliver one-time support to a family in those circumstances.

The question about whether to not these prenatal services could be provided in the same way before the act comes into force, before changes in Bill No. 11 are adopted — unfortunately, the answer to that is no, because the current legislation authorizes the director to provide services only upon the birth of a child, but I can indicate that there is a prenatal working group that is planning, gathering information on prenatal services available in the territory, looking to identify gaps in those services and how those could be filled and how these services can be and will be provided to expectant parents under these provisions when Bill No. 11 becomes the law and the changes to the *Child and Family Services Act* are made.

*Clause 12 agreed to*

*On Clause 13*

**Ms. White:** Clause 13 says that section 12 will be repealed in the existing act. Section 12 is actually about special needs agreements. One of the reasons I'm highlighting this one is that I would like to have the minister explain why this section was removed and the justification for that.

**Hon. Ms. McPhee:** This amendment removes "special needs agreements" from division 2 of the act. This change recognizes that there is no difference between a child with a disability needing protective intervention and any other child needing protective intervention. They would both be provided with supports that are based on their individual case plans, developed through a collaborative planning process with all of the individuals available to them, as we discussed earlier.

Children with a disability who do not have a need for protective intervention may access services through Disability Services and the Social Supports branch of Health and Social Services, so they wouldn't be captured by this legislation. And this removes the outdated term "special needs" from the act, and families and children with disabilities are not forced to enter the child welfare system to receive services.

*Clause 13 agreed to*

*On Clause 14*

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

**Ms. White:** Clause 16 talks about section 17 and 18 in the act. Section 17 is “Agreements for transitional support services” and section 18 is “Transitional case plan”. The first question that I have will be about 17(1)(d), and this is just because this highlights the first place where we actually talk about the age change. The existing act talks about being age 24, and what we are doing is that we are changing it to age 26, which I think is really important. But more than that, when we were talking in Committee of the Whole about this, the minister talked about how this is a different way of looking at supporting people as they transition out and how 26 wasn’t a hard stop, and depending on situations, we might go on. I think that this is a real opportunity for the minister then to reconfirm the importance of changing this age from 24 to 26 but, more than that, the changing spirit of what this means.

**Hon. Ms. McPhee:** This amendment broadens the age, as noted in the question, of eligibility from the age of 24 to 26, and this is voluntary. The youth can elect to remain involved but can come back for services prior to their 26<sup>th</sup> birthday. Expanding the age up to 26 will better support youth in their transitions out of care. This also aligns with the recent agreement in principle between Canada and the national indigenous organizations outlining transitional support for youth who have been in care up to the age of 26.

This direction will support child welfare reform work with both Canada and with Yukon First Nations. I can also note that the amendment allows youth to have services beyond the age of 26. I am looking at 16(3). That part of the amendment speaks about going beyond the 26<sup>th</sup> birthday. This amendment provides the director, under the act, the ability to enter into an agreement for transitional support services with a person after they turn 26 years of age in exceptional circumstances where additional support is needed to reach the goals that have been outlined in the transitional case plan, such as continuing their education or if they are already enrolled in a program, a trades program, or post-secondary. It also gives the director the ability to fill in any gaps in disability services for a young person that the social supports disability services program is unable to meet.

This will be an important opportunity, and it will be at the discretion of the director and cannot be delegated to other Family and Children’s Services staff. It is the director’s decision because of the exceptional circumstances, but the proposed legislative amendments go beyond simply increasing the eligibility criteria for agreements for support services from what is now 24 years to 26 years of age. In fact, the proposed legislative amendments really expand the existing support network for youth and for young adults who were previously in care. It creates a support network for youth and young adults who were previously in extended family care agreements and had no access to transitional support services after they reached the age of 19.

All of these amendments are so critically important, but this is one that I know has been a gap. It is so important for child welfare processes, procedures, policies, and the law to adapt and to understand that transitioning out of care and into

your own life as an adult is and must be supported in a way that we have not done in the past. Transitional support services are eligible for counselling or for independent living skills and training, for educational training supports, and to assist in accessing education or community resources — again, all in the context of having the support of your First Nation and extended family.

We also heard that youth who live with extended family members for a significant amount of time and cannot be reunited with their parents do require transitional support as well. The current legislation does not provide the director of Family and Children’s Services with the legal authority to support these young adults and these youth, and we have amended section 17 of the *Child and Family Services Act* to empower the director to enter into agreements for transitional supports with those youth and young adults who spend at least two years with extended family members before they reach the age of 19 — again, a significant change. This has not been available before.

Lastly, I will say that national trends show that youth and young adults who do return home following post-secondary education live with their parents — I think there was a reference to this yesterday — or they generally remain with their parents well into their 20s. We amended the *Child and Family Services Act* here to ensure that we keep step with these national trends and provide support for young adults who have left extended family care agreements or the custody of the director. Those services can be provided until they are 26 years of age.

We also understand, in special circumstances, that a young adult might need support beyond the age of 26 because of their particular case plan goals and that is available as an option for the director under the new legislation. It’s incredibly important to support our young people.

*Clause 16 agreed to*

*On Clause 17*

**Ms. White:** So, clause 17 is talking about section 21, or part 3, so it’s protection of children. Section 21 specifically talks about when protective intervention is needed. So, there are some changes in here that I think kind of represent language — the differences where we’re identifying language in current times, including references to “emotional harm”.

We talk about “demonstrate significant anxiety, depression, withdrawal, self-destructive behaviour”, and it goes on. Can the minister tell me, or share with us, how some of these definitions or these clauses were chosen?

**Hon. Ms. McPhee:** The member opposite is absolutely correct. This amendment, along with sections 21(3) and 21(4), clarifies what is “emotional harm” in great detail to provide guidance to the director under the act. This is intended to prevent those operating under the act from using their subjective interpretation as to what constitutes emotional harm. We can all imagine the detailed conversation that must have taken place to arrive at this provision and a forward-looking provision. The advisory committee’s required action 117 stated that “emotional harm” must be defined because it is not defined in the current act and has resulted in subjective assumptions and interpretations. The steering committee agreed with that work.



“Emotional harm” is a term that leaves considerable room for subjective interpretation and application in child welfare practice. Historically, social workers interpreted “emotional harm” from a western perspective, using their subjective biases, which labelled the effects of poverty, inadequate housing, and substance misuse related to intergenerational trauma as child protection concerns.

In 2010, “neglect” was removed as a ground for protective intervention from the *Child and Family Services Act*, which is now the current act, to prevent social workers from misinterpreting poverty and other socioeconomic conditions as child maltreatment. The proposed legislative amendments here in Bill No. 11 comprehensively define “emotional harm” and identify the specific conditions that social workers must prove to establish emotional harm.

When selecting a definition for “emotional harm”, we referred to how it was defined and applied throughout the country. Other Canadian jurisdictions refer to inappropriate criticism, threats, and humiliation as a cause of emotional harm in their respective definitions. When interpreting “inappropriate criticism” or “humiliation”, we will refer to best practices from jurisdictions with similar definitions to guide our practice.

But this change is an attempt to define as best we can, without the subjective approach, and it is a result of the extensive work with Yukon First Nation families and Yukon First Nation governments for the purposes of having a definition in this legislation that would not adversely impact their children.

*Clause 17 agreed to*

*On Clause 18*

*Clause 18 agreed to*

**Ms. White:** Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 19 through 44 of Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, read and agreed to.

#### **Unanimous consent re deeming clauses 19 through 44 of Bill No. 11 read and agreed to**

**Deputy Chair:** The Member for Takhini-Kopper King has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 19 through 44 of Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, read and agreed to.

Is there unanimous consent?

**All Hon. Members:** Agreed.

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

*Clauses 19 to 44 deemed read and agreed to*

*On Clause 45*

**Ms. White:** In clause 45, we are talking about amending section 48, and 48 is under division 4, which is the “Application for protective intervention order”, and this is talking about the parties. So, ultimately, I am trying to get us back to that. In line 45 of what we are working on, 45(2), it says: “The following subsection is added after subsection 48(1)...” and it says “(1.01)”, so it’s talking about “... does not apply if, under an adoption order that has been made in respect of the child, the

birth parent does not have any parental rights or responsibilities with respect to the child...” And so, I am just looking for clarification or explanation or help in interpreting that line.

**Hon. Ms. McPhee:** This amendment clarifies that a birth parent does not have the right to be a party to an application for a protective intervention hearing if the child has been adopted. The rationale here is that it respects the transfer of custodial rights through adoption orders and an end to the relationship between a biological parent and their child.

This is contextual, of course. It doesn’t prohibit somebody from seeking an opportunity to be involved if there were a process, and they could seek that authority from a court, but it does not give them the right to be a party to that situation.

**Deputy Chair:** Is there any further debate on clause 45?

*Clause 45 agreed to*

**Ms. White:** Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 46 through 67 of Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, read and agreed to.

#### **Unanimous consent re deeming clauses 46 through 67 of Bill No. 11 read and agreed to**

**Deputy Chair:** The Member for Takhini-Kopper King has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 46 through 67 of Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, read and agreed to.

Is there unanimous consent?

**All Hon. Members:** Agreed.

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

*Clauses 46 to 67 deemed read and agreed to*

*On Clause 68*

**Ms. White:** Thank you, Deputy Chair. I appreciate you bearing with me as I muddle my way through.

Clause 68 is actually adding things under the powers and role of a director’s application. This is talking about orders to produce a document or a thing. I was just wondering if the minister could walk us through the changes to section 73 of the act.

**Hon. Ms. McPhee:** I just want to be clear. I so appreciate the opportunity to skip certain sections if there are no questions about them. I understood the motion to be that we would go to 67, but I also understand that the question that is being asked is in relation to the amendments that are brought forward under section 72. I think we need to deal with 68, 69, 70, and 71. I want to make sure that I have this correctly because that is what my document shows.

**Deputy Chair:** We are now on debate of clause 68.

**Hon. Ms. McPhee:** I understand the question to be about line 68, so my section numbers may not match. Let’s go forward and I can respond to the question.

In the amendments to section 73, they do in fact add section 73.01. This amendment allows the director, under the act, to apply for a court order to get access to documents or records — for example, audio recordings or perhaps video recordings or others that would be considered records that a director requires to carry out their duties. The intent is to provide the director

with a mechanism to apply for and to access records that are held by third parties that might be related to a child protection concern, especially if the third party is not a public body as would be defined under the *Access to Information and Protection of Privacy Act*.

Under section 26(3), a director, under the act, can apply to a court to obtain information from a third party, but this is limited to the child protection investigations. Once a child protection investigation is complete, a director may require additional information to conduct assessments on the child or to determine who should be allowed to contact or to visit the child or be involved in the processes, et cetera. Currently, a director has no way to access information that a third party may have after the investigation is complete. Under the act, a director has the right only to information that is in the custody or control of a public body as defined under the *Access to Information and Protection of Privacy Act*. This will not change this — sorry — that they have the ability to access that information that's being held by a public body, but this would be access to information that is not being another third party.

The advisory committee required action 124 asked that the legislation be amended to provide the director of Family and Children's Services with the ability to obtain information from third parties who are not subject to the *Access to Information and Protection of Privacy Act* in order for the director to carry out their duties.

So, I just want to emphasize two things here. One is that access to information and protection of privacy, of course, only regulates the behaviour and provides access to information being held by public bodies and not individuals or other organizations. So, that's the first issue that's trying to be addressed here.

The second is that this is a court order application or an application to a court and their authority to review whether or not this information is necessary. This new section provides a mechanism for the director to proceed to court and to ask for that authority.

*Clause 68 agreed to*

*On Clause 69*

*Clause 69 agreed to*

*On Clause 70*

*Clause 70 agreed to*

*On Clause 71*

**Ms. White:** I apologize to the minister for the complication before. I was trying to make sure that I could tie it back to the original. In this one, clause 71 is amending section 79 of the existing act, and that is probably where I confused not only you, but me as well, so I apologize for that.

This time, we're talking about amended section 79 in the existing act, and it talks about adjournments and interim orders. This is important because we're talking about how, if things are possible — I want to go into (2)(a), which says: "... whether an adjournment would promote family reunification by providing the parents with time to access treatment, secure housing or otherwise take action that would allow the child to return to them..."

The reason why I wanted to get into this section is that I think this identifies that the more we can support a family, the more we can support a child. My understanding is that, if a court proceeding was ongoing — if there could be a pause in that, it would allow, for example, access to treatment, support in accessing housing, and things like that — so, if the minister can talk about the changes that are going to happen in section 79, maybe with a focus on adjournment and why we might choose that route.

**Hon. Ms. McPhee:** Yes, I can provide some context in this circumstance. I don't want to get this wrong, but in relation to the requirements of the current legislation, there are provisions that restrict this kind of consideration — or certainly don't provide for it. I'll just say it that way.

The amendment here lists out the factors that a judge must take into account before they grant an adjournment, and then the judge must take into account — if they are granting an adjournment — if granting that adjournment will give the parents time to access what they need to create safety for their child.

Entrenching this in the legislation is also very new. The judge must take into account the effect that the adjournments will have delaying the child from returning to their family, and the judge must take into account what the adjournment will do to the child's access to their community and to their culture, and the child's access to their community and their culture is an important principle that is emphasized throughout the act and is now entrenched here.

The current act only requires the judge to consider the "interests of the child having an early disposition of the matter" and the "child's sense of time" when granting adjournment.

So, that's the current legislation. These amendments provide a new list of factors that emphasize family reunification and connection to community and to culture. These factors require a judge to think about the child within the context of their family and how the adjournments will impact the child's return to their family.

This amendment is based on advisory committee required action 134 and asks that the child's access to parents should not be limited.

This, again, having worked on previous pieces of legislation, is really groundbreaking in that it gives judicial authority for them to make their decisions, but it indicates the kinds of things that are critical to take into account when determining these kinds of delays.

Sometimes to delay would be the most beneficial thing for everyone, including the child and the family in respect to their ability for reunification or their chances at a successful reunification. Other times, it will be taken into account — details of how the child's experience of that and always, as noted, that access or visits with parents and connection to family and culture are important aspects of all of those decisions. But this certainly does give guidance to courts.

*Clause 71 agreed to*

*On Clause 72*

*Clause 72 agreed to*

*On Clause 73*

*Clause 73 agreed to*

*On Clause 74*

*Clause 74 agreed to*

*On Clause 75*

*Clause 75 agreed to*

*On Clause 76*

**Ms. White:** Clause 76 deals with section 89, and section 89 is about placement of a child. It's of note that this entire section has been removed and replaced. I just want to highlight that first, because I know that what is being taken from and what is being changed is also a real part of how we're changing the spirit behind this piece of legislation.

So, one of the things that I did really want to focus on was the importance of this section. Instead of me asking questions specifically about it, maybe the minister just wants to touch on what these changes mean to the placement of a child.

**Hon. Ms. McPhee:** This amendment really modernizes the language in the act and shifts away — there are a couple of different focuses here — from the term “residential facility” that is similar to the term “residential school”. This was clearly of concern.

This amendment allows the director, under the act, to place a child with either an extended family member or someone else living in the child's community on a short-term basis — for example, 72 hours — until immediate safety concerns in the child's home are addressed and the child can return to their home — so in situations when that looks short-lived and support can be provided. The intent is to prevent bringing children from rural communities into Whitehorse when there is an emergency in the child's home, but to keep a child within the community while the director works with the parents or family to create safety. The child is less likely to experience the trauma of being removed from their loved ones and their community.

This amendment is consistent with the advisory committee's required action 96, which asks for the director of Family and Children's Services to place children in need of emergency placements with community members. The current act requires the director to bring a child into a foster home or a group home — more flexibility, more availability, and more emphasis on the child remaining in the community.

I can comment on (3), which allows the director to place a child in temporary custody with an extended family member. The intent here is to keep children with their families and in their communities, even if the child cannot live in their home for a short or perhaps longer period of time. I think that I will stop there.

**Ms. White:** I do thank the minister for that. Also in this section, we talk about the importance of sibling placement, which I think is really important, but it also acknowledges that sometimes that might not be possible.

When we look at this — and I do think that there is a real importance of trying to keep kids in communities, because that is important. But in some cases, it's not as easy as all that. Is the department working with communities to identify safe homes, or is the department working with communities to, for example, acquire a home that can be supported?

I think about the role of communities. If we talk about things at the end of a highway or in fly-in-only communities, what work is happening with the department and communities to make sure that we have safe spots identified within the communities so that children do not need to leave?

**Hon. Ms. McPhee:** Certainly, the government understands that we have to support and invest in caregivers in the community to create places of safety for children so that they can stay close to their families and their communities and their cultures.

The proposed legislative amendments give the director of Family and Children's Services the ability to place children in care with extended family care members, as I have noted, but it also is only the latest step in our journey to keep children with their communities. Over the last few years, we have been making headway in increasing supports to extended family caregivers. We are developing a caregiver strategy that will focus on the ability for us to recruit, retain, train, and support caregivers to ensure that children who are needing out-of-home care can remain close to their families and their communities and their culture. One of the core tenets of this strategy is to work with individual Yukon First Nations to develop initiatives that are specifically designed for their communities. We're looking at community-based resources.

It is incredibly important also to recognize that, because of the way that Bill No. 11 was developed in government-to-government conversations and First Nation governments and communities at the table, they too recognize and have committed to the tenets which are to keep children as close to home as possible and their opportunities to expand their own community-based resources with the purpose of keeping children close to home, and their commitment to do that is obvious here.

*Clause 76 agreed to*

*On Clause 77*

*Clause 77 agreed to*

*On Clause 78*

*Clause 78 agreed to*

**Ms. White:** Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 79 through 120 of Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, read and agreed to.

### **Unanimous consent re deeming clauses 79 through 120 in Bill No. 11 read and agreed to**

**Deputy Chair:** The Member for Takhini-Kopper King has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 79 through 120 of Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, read and agreed to.

Is there unanimous consent?

**All Hon. Members:** Agreed.

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

*Clauses 79 through 120 deemed read and agreed to*

*On Clause 121*

**Ms. White:** This is referencing changes to section 165 in the act. Section 165 is “Facilities and services for children”. So,

one thing that we see with this amendment — the first definition will be: “The Minister may, for children who are in the care or custody of a director, establish, operate and provide 24/7 facilities or homes, being places where the children reside and are provided with all-day care and supports.” I believe that this is in an effort to remove the institutional language that was there before, but maybe if the minister wants to talk a bit about how that aligns with the other parts that we are working on changing.

**Hon. Ms. McPhee:** Thank you for the question. Line 121 does, as noted in the question, amend subsection 165(1). The amendment authorizes the director to establish, operate, and provide 24/7 facilities or homes for children who are in the care or custody of the director. This is in reference to “residential facilities” and to “foster homes” having been removed from this section. The amendment therefore does not limit the type of 24/7 facility or home that can be authorized or operated under this act.

The previous words included in that section restricted the types of 24/7 facilities that could be operated. This will provide flexibility to the director and could include something like a — I think there was a reference earlier in a question to a facility in a community, for instance, a house or a home of some kind that provides 24/7 care for children who are in need of the care or custody of the director. So, there is the provision there that it provides more flexibility and doesn’t restrict the types and removes language that was dated, I’ll say.

*Clause 121 agreed to*

**Ms. White:** Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 122 through 133 of Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, read and agreed to.

### **Unanimous consent re deeming clauses 122 through 133 in Bill No. 11 read and agreed to**

**Deputy Chair:** The Member for Takhini-Kopper King has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 122 through 133 of Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, read and agreed to.

Is there unanimous consent?

**All Hon. Members:** Agreed.

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

*Clauses 122 to 133 deemed read and agreed to*

*On Clause 134*

*Clause 134 agreed to*

*On Clause 135*

*Clause 135 agreed to*

*On Clause 136*

*Clause 136 agreed to*

*On Clause 137*

**Mr. Cathers:** This clause was one that I believe had been recommended for changes in the letter from the Information and Privacy Commissioner. The minister earlier in debate made reference to having sought a legal opinion regarding the request made by the Information and Privacy

Commissioner. Would she agree to share that legal opinion with members?

**Hon. Ms. McPhee:** I can indicate that the entirety of the legal opinion provided is included in the letter that was sent to the Information and Privacy Commissioner. In answer to a previous question, I have indicated that I could review the short — very short — memo that was provided to me. I guess I want to say “e-mail” that was provided to me with respect to this, but the entirety of that opinion is included in the letter dated March 28 to the Information and Privacy Commissioner, a copy of which was provided to the Leader of the Official Opposition and to the Leader of the Third Party.

*Clause 137 agreed to*

*On Clause 138*

*Clause 138 agreed to*

*On Clause 139*

*Clause 139 agreed to*

*On Clause 140*

*Clause 140 agreed to*

*On Clause 141*

*Clause 141 agreed to*

*On Clause 142*

**Ms. White:** I am just going to put out that it is so much easier to debate legislation that doesn’t exist when there are 87 pages of it than legislation that we’re amending with 87 pages of amendments. For anyone listening along, it is challenging and probably comical at times, based on my ups and downs.

This is talking about an annual report. Clause 142 is changing section 187, which is talking about the “Annual Report”. I think that this is important. Yesterday, in Committee of the Whole, some of what we were talking about was the importance of data collection. One of the things that I had highlighted about my hopes that we follow young people as they go through the system, out the other side of the system, and continue on hopefully with successful lives is that this becomes part of how we understand doing the work.

My hope is that the annual report has that strong commitment to data collection and sharing. Does the minister maybe have anything to share about what this annual report will look like?

**Hon. Ms. McPhee:** I am not sure I can say much about what it will look like, but I can indicate what the requirements are in this new act or what will be in this new legislation. The amendment here outlines that the annual report must be made publicly available on the Government of Yukon website. This is consistent with advisory committee required action 52, which states that the data on preventive intervention must be collected, evaluated, and reported publicly. To comply with that action, of course, that would need to be part of the annual report. The amendment includes a list of data that is required to be collected and included in the annual report. These amendments provide direction on what must be contained therein. The information is specific to the number of children who have received services under this act and the number of children receiving “intervention services”. That is referenced in section 142(5) of the act, not the lines.

There is also an obligation to share how many of these children are indigenous and who are members of a Yukon First Nation. The rationale there is that it is consistent with advisory committee required action 52, which states that the data on preventive intervention must be collected, evaluated, and reported publicly. This is also consistent with required action 51, which lists data points that must be reported, based on the Truth and Reconciliation Commission's calls to action. I am very pleased that these will be included in the new legislation.

*Clause 142 agreed to*

**Ms. White:** Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 143 through 151 of Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, read and agreed to.

### **Unanimous consent re deeming clauses 143 through 151 of Bill No. 11 read and agreed to**

**Deputy Chair:** The Member for Takhini-Kopper King has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 143 through 151 of Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, read and agreed to.

Is there unanimous consent?

**All Hon. Members:** Agreed.

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

*Clauses 143 through 151 deemed read and agreed to*

*On Title*

*Title agreed to*

**Hon. Ms. McPhee:** Deputy Chair, I move that you report Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, without amendment.

**Deputy Chair:** It has been moved by the Member for Riverdale South that the Chair report Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, without amendment.

*Motion agreed to*

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

**Deputy Chair:** It has been moved by the Member for Mount Lorne-Southern Lakes that the Speaker do now resume the Chair.

*Motion agreed to*

*Speaker resumes the Chair*

**Speaker:** I will now call the House to order.

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

### **Chair's report**

**Ms. Tredger:** Committee of the Whole has considered Bill No. 203, entitled *Third Appropriation Act 2021-22*, and directed me to report progress.

Committee of the Whole has also considered Bill No. 11, entitled *Act to Amend the Child and Family Services Act (2022)*, and directed me to report the bill without amendment.

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

Are you agreed?

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

**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. tomorrow.

*The House adjourned at 5:27 p.m.*

### **The following legislative return was tabled March 29, 2022:**

35-1-40

Response to matter outstanding from discussion with Mr. Kent related to general debate on Vote 3, Education, in Bill No. 203, *Third Appropriation Act 2021-22* — masking in schools (McLean)