



# Yukon Legislative Assembly

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Number 80

1<sup>st</sup> Session

35<sup>th</sup> Legislature

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## HANSARD

Tuesday, October 18, 2022 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

# YUKON LEGISLATIVE ASSEMBLY

## 2022 Fall Sitting

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

### CABINET MINISTERS

| <b>NAME</b>                   | <b>CONSTITUENCY</b>        | <b>PORTFOLIO</b>   |
|-------------------------------|----------------------------|--|
| <b>Hon. Sandy Silver</b>      | Klondike                   | Premier<br>Minister of the Executive Council Office; Finance   |
| <b>Hon. Tracy-Anne McPhee</b> | Riverdale South            | Deputy Premier<br>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<br>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<br>Copperbelt North | <b>Scott Kent</b>           | Official Opposition House Leader<br>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<br>Takhini-Kopper King |
| <b>Emily Tredger</b> | Third Party House Leader<br>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, October 18, 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:** There are a number of individuals who are joining us today for the tribute to Poverty and Homelessness Action Week. I would ask my colleagues to please welcome the many folks who have joined us today: from the Council of Yukon First Nations, Grand Chief Peter Johnston; from Safe at Home, Kate Mechan, executive director; from Voices Influencing Change, Ulrike Wohlfarth Levins; as well as Jack Bogaard, Jason Charlie, and Bill Bruton, TKC elder.

From the Yukon Anti-Poverty Coalition, Kristina Craig and Deserine Grimes. As well, Patrick Jackson is with us today, who folks probably listened to on the radio this morning or any other time. He has just done an extremely long journey raising money here in the Yukon for a fantastic cause.

As well, Ngeta Kabiri and Kathy Walker are here supporting the Yukon Anti-Poverty Coalition. Also, from Opportunities Yukon, Cynthia Rudell-Lyslo, the executive director, is here.

Thank you, everyone, for joining us today for a very important cause.

*Applause*

**Hon. Ms. McLean:** I would like to ask my colleagues to help me welcome some guests here today for the tribute on Persons Day. We have Aja Mason, the executive director for the Yukon Status of Women's Council. We have Anna Ly and Charlie-Rose Pelletier from Les EssentiElles. We have Colleen Craft, Susan Power, and Natalie Taylor from the Whitehorse Aboriginal Women's Circle. Thank you so much for being here today.

*Applause*

**Speaker:** Are there any tributes?

## TRIBUTES

### In recognition of Persons Day

**Hon. Ms. McLean:** I rise today on behalf of our Yukon Liberal government to pay tribute to Persons Day.

Persons Day is part of Women's History Month in Canada and marks a Supreme Court decision in 1929 that included some women in the legal definition of "persons". However, I acknowledge that this action did not extend universally. It did not include my matriarchs — indigenous women, it did not

include any women of Asian descent, and it did not include any women who were incarcerated.

This day marks an important milestone on the continuing drive for gender equity in Canada. It inspired future generations to demand equality and attention to issues like childcare, reproductive justice, and violence against women.

The women leading the charge in 1929 paved the way for feminists today: those leaders who demanded a national inquiry into missing and murdered indigenous women and girls and continue to demand better for our sisters and aunties and our women overall; those who called on Hockey Canada to change the culture of sexual violence and misogyny; those who remind us that gender is not binary; that how we define women has not always been accurate and that feminist movements have excluded them.

It is my honour to serve as the Minister responsible for Women and Gender Equity in the Yukon, and I do my part to advance equality. I continue to be humbled by the efforts of community organizations to advance the rights of women and gender-diverse Yukoners, whether that is by providing programs and services to the most vulnerable in our communities, conducting research, or just their tenacity for advocacy.

I urge all Yukoners to take the time today to educate yourself on the history of Persons Day and consider what it means to you. Together we can create a future where our decision-making processes reflect the gender diversity in our communities and where outcomes benefit all genders.

*Applause*

**Ms. Clarke:** I rise on behalf of the Yukon Party Official Opposition to recognize October 18 as Persons Day in Canada — a day marking the milestone date in 1929 that the British Privy Council pronounced women as "persons". Until that important day, it was argued for many years that "persons," as referenced in the *British North America Act* of 1867, was a term that only covered men. It was, therefore, considered in many aspects in society that only men were considered persons. Only men were afforded many rights. This consideration was upheld in governments, in courts, and businesses and was relied upon in order to keep women out of positions of power and influence. It was the voices and actions of five women — Emily Murphy, Nellie McClung, Henrietta Muir Edwards, Louise McKinney, and Irene Parlby — who brought this case through the Canadian courts, where it was advanced to the highest court of appeal for Canada. The Famous Five are recognized internationally for their role in having women be considered persons in Canada.

I will close with a quote by Louise McKinney: "What, after all, is the purpose of a woman's life? The purpose of a woman's life is just the same as the purpose of a man's life: that she may make the best possible contribution to the generation in which she is living."

*Applause*

**Ms. Tredger:** I am pleased to rise today on behalf of the Yukon NDP to pay tribute to Persons Day. We are grateful for the victory of the Famous Five: Emily Murphy, Nellie

McClung, Irene Parlby, Louise McKinney, and Henrietta Muir Edwards. These women fought for women's equality through the famous Persons case. I am a product of this case just by standing here and talking to you all about it in this House.

Of course, as my colleague has said, the work only benefited some Canadian women. It was not until 1960 that all indigenous women had the right to vote in Canada. It is a stark reminder that the experience of being a woman is not universal and that we must explicitly consider all women in our activism.

Today, as we celebrate Persons Day and the rights that were won, then and later, we also need to continue to fight to keep those rights. We are experiencing a time when the rights of women are being pulled back, restricted, or even withdrawn. I'm talking about the rights of women to make decisions about their own bodies; I'm talking about the rights of queer and trans girls to attend supportive and safe schools; I'm talking about the right to choose to wear a hijab or not to wear a hijab. More and more, we are seeing the rights of persons being stripped back.

Every time that we see human rights being denied, we need to think of the Famous Five and the thousands behind them who insisted that everyone deserves to have rights as a human being — in their homes, their schools, their workplaces, and their communities.

*Applause*

### **In recognition of Poverty and Homelessness Action Week**

**Hon. Mr. Pillai:** I rise on behalf of the Yukon Liberal government to pay tribute to Yukon's Poverty and Homelessness Action Week. A house is more than just a shelter; it is the foundation for a happy and healthy life, a safe place that is vital for families to grow, thrive, and play — a sanctuary — yet some Yukoners are living without this basic necessity.

This year's theme, "Healing Hearts, Building Relationships," is in recognition of the importance of relationships in addressing homelessness. There are so many people working hard to realize the vision of a Yukon without poverty or homelessness.

I would like to acknowledge the Yukon Anti-Poverty Coalition for organizing the Poverty and Homelessness Action Week and for all their advocacy on this important issue, including: the Whitehorse Connects event today at the KDCC — I know it's only going until 2:00 p.m., but there are lots of opportunities for support there and it has been very well put together — and the Safe at Home Society for their steadfast commitment to raising awareness about homelessness and for taking action and speaking out; Opportunities Yukon for their new Cornerstone building that is helping to create a more inclusive, complete community; Connective for their work at 5<sup>th</sup> Avenue and Wood Street, the Housing First building — and for recently taking over again operations for the Whitehorse Emergency Shelter — and Kwanlin Dün and Ta'an Kwäch'än Council for their ongoing commitment to their citizens and for working with us to provide housing in the Whitehorse area; Tr'ondëk Hwëch'in First Nation for their work to create a new

men's shelter in Dawson City; Council of Yukon First Nations for their dedication to create a new Whitehorse shelter that provides culturally relevant programming for indigenous women and children; and the many people who make space in their home so that someone in need can find shelter from the elements.

Ending poverty and homelessness means strengthening relationships from top to bottom, from the partnerships required to build stock and provide services to the relationships between tenants and landlords, friends and colleagues, neighbours, and community members.

As the executive director of the Safe at Home Society, Kate Mechan reminded us at the recent housing summit that ending homelessness is possible.

Thank you to everyone who helps make the Yukon the caring and supportive place it is and for working collectively so that we can do better.

Thank you, Mr. Speaker.

*Applause*

**Ms. Clarke:** I rise on behalf of the Yukon Party Official Opposition to recognize Poverty and Homelessness Action Week, which is held every October in response to poverty and homelessness in the Yukon.

This locally grown initiative was started in 2005 by the Yukon Anti-Poverty Coalition. Today, it has been embraced by governments, organizations, and individuals across the territory as a time to promote action to end poverty and homelessness here in our communities.

This year from October 16-21, events take place each day to bring awareness to this initiative. As we speak, Whitehorse Connects is happening at the Kwanlin Dün Cultural Centre, offering services and supports for all.

I would like to give special recognition to Patrick Jackson, who recently completed a trek of over 500 kilometres from Dawson City to Whitehorse to raise funds and awareness for the Yukon Anti-Poverty Coalition. Patrick braved the elements for almost a month with his trusty pup, Butters, raising funds that will make a difference for Whitehorse Connects and Voices Influencing Change. Over \$11,000 has been raised to date.

Patrick is truly appreciated in our office as he is one of many who work to keep our technological woes at bay.

Congratulations on a successful journey, Patrick. Thank you to the Yukon Anti-Poverty Coalition and to all organizers and volunteers for the work that you do to help end poverty and homelessness in the Yukon. Thank you.

*Applause*

**Ms. Blake:** I rise on behalf of the Yukon NDP to recognize Poverty and Homelessness Action Week. This week coincides with World Food Day and the International Day for the Eradication of Poverty. As food and housing costs rise, these themes are more relevant than ever. Right now, many Yukoners are one utility bill, one eviction notice, or one grocery trip away from poverty and homelessness. This is a reality for people from all walks of life across the territory.

This is why the work of community organizations and First Nations is so critical. Because of the amazing work done by the Yukon Anti-Poverty Coalition, the food bank, and Yukon First Nations, support is offered across the territory for folks who need it. Real action also needs to be taken by governments — like creating more housing options that are affordable, supporting low-income Yukoners by increasing social assistance rates, including Internet as a basic need for Yukoners on social assistance, and helping low-income Yukoners afford to put healthy, local food on the table.

There is a lot of work that we can still do, and there are a lot of people and groups we look to for inspiration. Take the dedication of Patrick Jackson, who walked more than 500 kilometres from Dawson City to Whitehorse and raised an astounding amount of money — over \$11,000 for the Yukon Anti-Poverty Coalition. Thanks to people like Patrick, we are reminded of just how much one person can do to care for our community. Imagine how much we can do here in this House to finally end and prevent homelessness and poverty across the Yukon.

*Applause*

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

### TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Silver:** Pursuant to section 9 of the *Public Service Group Insurance Benefit Plan Act*, I have for tabling the Joint Management Committee annual report for the period of April 1, 2021, to March 31, 2022.

**Mr. Cathers:** I have for tabling two documents today. The first is a letter to the Deputy Premier and Minister of Justice respecting a question of whether guidance from the Conflict of Interest Commissioner has been sought.

I also have for tabling a copy of a *Whitehorse Star* article, dated August 6, 2021, containing statements from the Minister of Education — statements, I would point out, that the Child and Youth Advocate, in her report, noted were in contravention of the *Child and Youth Advocate Act*.

**Mr. Istchenko:** I have for tabling a document produced by Environment Yukon. It's the 2022 implementation review of the 2012 *Wolf Conservation and Management Plan*.

**Speaker:** Are there any reports of committees?  
Are there any petitions to be presented?  
Are there any bills to be introduced?

### INTRODUCTION OF BILLS

#### **Bill No. 306: *Act to Amend the Oil and Gas Act (2022)* — Introduction and First Reading**

**Ms. White:** I move that a bill, entitled *Act to Amend the Oil and Gas Act (2022)*, be now introduced and read a first time.

**Speaker:** It has been moved by the Leader of the Third Party that a bill, entitled *Act to Amend the Oil and Gas Act (2022)*, be now introduced and read a first time.

*Motion for the introduction and first reading of Bill No. 306 agreed to*

**Speaker:** Are there any further bills for introduction?  
Are there any notices of motions?

### NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to advance initiatives that will end discrimination, homophobia, and transphobia in the Yukon, including supporting advocates and working with partners to continue implementing the LGBTQ2S+ action plan.

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

THAT it is the opinion of this House that:

(1) the people of Iran who are protesting for a free and democratic society that respects the rights of women should be supported;

(2) the violent and lethal response by Iranian security forces to protests following the murder of Mahsa Amini should be strongly condemned; and

(3) the Government of Canada should officially list the Islamic Revolutionary Guards Corps as a terrorist organization.

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

THAT this House urges the Yukon government to ensure the 2023-24 capital budget includes funding to begin a major upgrade to Takhini River Road, including improvements to the roadbed, road surface, and ditches.

**Mr. Istchenko:** I rise in this House to give notice of the following motion:

THAT this House urges the Government of Yukon to work with the State of Alaska to ensure that funding in the bipartisan infrastructure deal allocated for upgrades to the Alaska Highway and the Haines Road is made available for work in the 2023 construction season.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to consult with affected stakeholders on the need for a new health centre in Haines Junction.

**Ms. White:** I rise to give notice of the following motion:  
THAT the Yukon Child and Youth Advocate appear in Committee of the Whole prior to the end of the 2022 Fall Sitting.

**Ms. Blake:** I rise to give notice of the following motion:  
THAT the board chair and chief executive officer of the Yukon Hospital Corporation appear as witnesses in Committee of the Whole prior to the end of the 2022 Fall Sitting.

I also give notice of the following motion:

THAT the chief medical officer of health appear in Committee of the Whole prior to the end of the 2022 Fall Sitting.

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

THAT the Information and Privacy Commissioner appear in Committee of the Whole prior to the end of the 2022 Fall Sitting.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to end and prevent homelessness in the Yukon by implementing the following of Safe at Home Society's calls to action:

- (1) prohibit no-cause evictions under the Yukon *Residential Landlord and Tenant Act*;
- (2) expand rent supplement programs to include individuals and families receiving income support and housing benefits;
- (3) create a matching program for post-secondary students and seniors who have extra space in their homes;
- (4) provide more frequent reports from Yukon Housing Corporation outlining data related to unit vacancies and inflows and outflows from Yukon Housing Corporation units;
- (5) mandate the creation of a landlord registry to increase transparency across the rental market;
- (6) work with the City of Whitehorse to regulate short-term and vacation rentals across the city;
- (7) increase transparency related to the housing shortages for out-of-territory employee recruitment strategies;
- (8) increase the financial resources and supports that people need to deal with bedbug infestations;
- (9) resource the Yukon tenants association; and
- (10) ban evictions related to arrears and eliminate debt-free entry requirements into housing for individuals on income support or fixed income.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to maintain the Silver Trail highway to a standard befitting the highway's importance to Keno City's residents, tourism operators, and mining interests.

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

## MINISTERIAL STATEMENT

### Municipal councils terms of office

**Hon. Mr. Mostyn:** I rise before the House today to highlight our partnership with the Association of Yukon Communities in seeking feedback from Yukoners on extending the term of office for municipal governments from three to four years.

This past May, at their annual general meeting, the Association of Yukon Communities passed a unanimous resolution to request that the Government of Yukon amend the *Municipal Act* to extend the term of office for municipal

councils before the next general election in October 2024. In its resolution, the Association of Yukon Communities requested that we engage with Yukon citizens to seek their input on extending the term of office for municipal councils and local advisory councils from three to four years.

The resolution noted that the Yukon's population growth has led to increasing demands on Yukon municipal councils to plan and set direction to address the needs of their citizens. It noted that the strategic, long-term planning must now look well beyond the three-year terms, and how an extra year would ensure that they have more time to enact their priorities.

It also pointed to other pressures. The implementation of Yukon First Nation land claim and self-government agreements and the transfer of administration and control of land and resources from Canada to Yukon have increased demands for planning and implementation on municipal councils.

As a reporter, I covered municipal councils. I quickly realized the importance of this level of government, which has the most direct effect on Yukoners' lives. The communities that they govern supply clean water, dispose of sewage and garbage, and deliver, oversee, and maintain the most coveted recreation facilities in our territory.

Mr. Speaker, we invited Yukoners to provide their feedback through an online survey hosted by the Yukon Bureau of Statistics from September 1 through September 28. We also made paper copies of the survey available. I thank all Yukoners who participated in this survey.

For this survey, we asked respondents if they support the change in term of office, and invited them to provide their thoughts. We also asked how changing the length of term might change their civic activity, for instance, if it would change their going out to vote, if they would run for office, and if it would change their decisions on running for office or volunteering on a municipal or local advisory council election campaign.

We are now compiling the results and analyzing the feedback. The findings from the survey will help inform the next steps, including potential changes to the *Municipal Act*.

**Ms. McLeod:** I am pleased to respond to the ministerial statement on municipal council term limits. As the minister has noted, the most recent version of this issue was brought forward by the City of Whitehorse, which passed a resolution to increase municipal term limits from three to four years. I want to specifically thank Councillor Kirk Cameron for his work in advancing this issue as it was a resolution that started with him that prompted the advancement of this issue.

Following that, it was sent to the Association of Yukon Communities, which considered the matter at their AGM in May of this year. AYC voted in favour of it and it was submitted to the Yukon government as it will require changes to the territorial *Municipal Act*.

As the minister has said, the government has announced consultation and, to our knowledge, that consultation has now concluded, so we will now await the results. I do want to thank the minister for acting so quickly on this matter. While we are often critical of the minister when the government drags its feet, I think that it is worth noting that it seems that the minister acted

as quickly as possible in this case. That being said, it is not really clear to us what this ministerial statement is announcing. The consultation was already announced months ago and has now concluded.

Perhaps the minister can use his response to give us some insight as to what this statement was intended to announce. Can he tell us what the government's position on this matter is? If the minister supports extending term limits, when can we expect to see legislative changes tabled in this House? Does the government intend to fix municipal term limits at four years or will the legislation simply enable municipal governments to increase their term limits to four years if they so choose?

I look forward to hearing the minister's response to these questions and providing a bit more clarity on what it is that this ministerial statement was intended to announce.

**Ms. White:** Mr. Speaker, the Yukon NDP is delighted to know that the Liberal government listened to municipal leaders when a resolution was passed this past May at the Association of Yukon Communities annual general meeting to survey Yukoners in extending the terms for municipal councillors. As we have heard, municipal leaders are on the front lines of their communities. They deal with the items that affect individuals every single day. From access to water and sewage disposal to recreational and road maintenance, snow removal, and garbage pickup, municipalities keep communities rolling.

In our positions, I hope that we can all understand how a three-year term isn't long enough to plan and execute the vision of a municipal council. I look forward to reading the results of the survey administered by the Yukon Bureau of Statistics, and more to the point, if it's the will of Yukon citizens, I look forward to an amendment to this 20-year-old legislation that sees the terms of municipal leaders extended to four-year terms.

**Hon. Mr. Mostyn:** Mr. Speaker, I thank the members opposite for their kind words this afternoon. I have some answers for the Member for Watson Lake. Pending the outcome and what was said in the consultation we hosted with the survey, we hope to get this amendment through prior to the next election, as I said in my opening remarks, so it should be coming fairly quickly.

Of course, the member asked if we support it. I'm looking to see what the people of the territory say, but I certainly support a longer term limit for municipal councillors personally.

There are a few other things we have to get into. One of the things we have been asking municipal councils is when they think the election, if it was extended, should happen. Should it be the spring or the fall? We tend to have a lot of elections in the fall; perhaps municipal councils might want to move to the spring to sort of free up some more space. They are pondering that, and we'll see. I'll find out from them what they think about this matter. I'm sure they'll tell me through AYC.

As I said in my opening remarks, municipal government and the services it provides have a profound effect on Yukoners. Fresh water, bus service, snow clearing, skating, swimming, garbage and compost collection, building permits,

fire protection planning, parking — I could go on. This is important work, and the municipal councils have asked for an extra year to accomplish all this good work, and I'm happy to explore that idea.

Our government is committed to working with the Association of Yukon Communities to better support municipalities in creating communities that meet the needs of Yukoners. I'm glad that we're working with the Association of Yukon Communities and with Yukoners to examine the possible extension of the term of office for municipal councils and the local advisory councils. This engagement, like the others we have done, is important. We promised Yukoners that they would be heard. It is one of the tenets of our government — holding engagements to learn their thoughts on important matters is essential. It has certainly been a foundational principle of our government over the years.

Since 2017, we have held a record 99 engagements. No other Yukon government can claim to have held as many. I met in July with the president of the Association of Yukon Communities and discussed how we can continue our work to support Yukon municipalities across the territory. It was a productive meeting. We were able to even further align priorities to support Yukon municipalities across the territory and create stronger and more effective local governments. Having our interests align only builds on our government's renewed three-year partnership agreement with the Association of Yukon Communities. This agreement sets the foundation for how we will work and continue to work together based on principles of fairness, cooperation, and collaboration.

With this partnership agreement, we continue to promote engagement and cooperation between our organizations, foster timely and meaningful consultation on matters of mutual concern for the benefit of all Yukoners, and identify areas where they can be enhanced through cooperation and collaboration. Our collaboration on the recent public engagement is a great example of our partnership in this area. I am happy to hear that the opposition parties are in support of our work together to engage with Yukoners on examining the possibility of extending the term of office for municipal councils and local advisory groups.

I want to once again thank all Yukoners who took part in the survey. I look forward to seeing results and hearing their thoughts on this potential change.

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

## QUESTION PERIOD

### Question re: Nisutlin Bay bridge replacement

**Mr. Hassard:** Early this summer, the Yukon government awarded the largest capital project in YG history. Of course, that is the Nisutlin Bay bridge replacement. Since that time, we have heard of numerous problems with the project. While it took several months for the government to review after the closing of the bids, it was finally rewarded in May, and significantly overbudget. Since that time, very little work has happened with regard to actual bridge replacement.

Can the minister provide Yukoners with an update on the progress of the Nisutlin Bay bridge project? Is the project, in fact, delayed already?

**Hon. Mr. Clarke:** The Nisutlin Bay bridge is a critical link along the Alaska Highway. It is an important landmark for Teslin. In the spring of 2019, the Yukon government and the Teslin Tlingit Council signed a project charter for the bridge replacement. Through the project charter, we have been working together to design and build a safe, reliable structure that can accommodate an increase in traffic, while also improving access for pedestrians and cyclists. This project will provide a significant, positive economic outcome for the territory, local businesses, and the community of Teslin.

As the member opposite indicated, a tender was posted on October 13, 2021, for two pre-qualified contractors and closed on February 3, 2022. The \$159.96-million project was awarded on May 3, 2022, to Graham Infrastructure LP. In May 2022, an open house was held in Teslin with the successful contractor, Graham Infrastructure LP, providing information on project timelines, potential employment opportunities, project safety, and traffic management plans. I had the honour and opportunity to attend that, and I met briefly with the member opposite at that open house, and I will continue my response.

**Mr. Hassard:** I was certainly hoping for an actual answer to the question. One of the biggest problems we've heard is the delay in getting concrete production moving. Now, we know that a bridge of this magnitude will require a significant amount of concrete; however, a concrete batch plant has yet to be set up, and the site where it's going actually hasn't even been prepared for its eventual arrival.

So, can the minister explain why these delays are taking place, and how much he anticipates extra costs taxpayers can expect to see?

**Hon. Mr. Clarke:** As the member opposite indicated, this is the largest infrastructure project in the history of the Yukon to date, and it represents a crucial link along the Alaska Highway to ensure that we have unimpeded access on the Alaska Highway. The member opposite knows that this infrastructure is approximately 70 years old and was getting close to the end of its useful life.

The Yukon government left us with an infrastructure deficit, and I can note that our Liberal government has fostered the strongest economic growth in the country by working in partnership with First Nations and modernizing the territory's infrastructure.

I have the honour of travelling to Teslin on Friday. At that point, I will be meeting with the Teslin Tlingit Council, the Village of Teslin, and the contractor, and we will announce the start of the substantive construction of this project.

**Mr. Hassard:** One of the reasons the contractor cannot begin this work is because the water licence has not yet been finalized. So, again, this is the largest capital project in the Yukon's history. Can the minister explain why the Yukon government would not have ensured that the proper licences were actually in place before awarding a \$160-million contract?

**Hon. Mr. Clarke:** As indicated, we are excited to be moving the Yukon forward with respect to the Nisutlin Bay

bridge. This will provide incredible opportunities for the Teslin Tlingit Council and the Village of Teslin, and all citizens of Teslin. This is in addition to many infrastructure projects that have occurred this summer, including ongoing work pursuant to the national trade corridors funding on the north Klondike Highway and an almost \$250-million investment at the Erik Nielsen Whitehorse International Airport this last summer. This was the parallel runway reconstruction, creating much-needed redundancy for the territory in this vital transportation hub. Next year, we will commence the work to replace the main runway. Some of the aggregate below the surface of the main runway is from 1942 or 1943, which the prior Yukon Party government well knew during its 14 years of government previously.

We look forward to moving forward on the Nisutlin Bay bridge. So far, to answer the member opposite's question, the project is on budget, as far as we know. I am looking forward to answering further questions on vital Yukon infrastructure.

#### Question re: Nisutlin Bay bridge replacement

**Mr. Hassard:** Another significant problem with the Liberals' handling of this project relates to the large volume of aggregate needed. I have asked on more than one occasion in this House where the government was sourcing the aggregate for this project, and I will note that I have not yet received any response to those questions. Maybe today the minister can tell us where the aggregate is being sourced for the Nisutlin Bay bridge project, and I certainly hope he doesn't tell us that it's coming from the Erik Nielsen airport.

**Hon. Mr. Clarke:** I would just note for the record today that this program, or the Nisutlin Bay bridge project, was to go ahead in 2014, which — newsflash — was during the final years of the Yukon Party government. At that time, I am advised, the project was cancelled due to there being insufficient consultation.

Of course, now we are eight years later — a global pandemic, supply chain interruptions, an unjust and illegal war in Ukraine — and now we are making that vital investment in infrastructure in the Yukon. That's where we are.

I recall the question about the aggregate from the spring session. If my department hasn't responded to that question yet, I will certainly respond in due time with respect to that.

As with most of these major infrastructure projects, if those matters did not go ahead eight, nine, or 10 years prior, well, the costs are going to increase, and it doesn't remain any less vital to our transportation infrastructure.

**Mr. Hassard:** Another issue that the government didn't appear to plan for is sourcing of suitable rock for rip-rap for this project, and we have just heard that the government has had several years extra to plan.

A project of this size, Mr. Speaker, will require a significant volume of rip-rap, and months after the project has been awarded, the contractor is still left looking for suitable rock to use for that rip-rap.

Can the minister tell this House if the current rock source has been properly tested before any of it is placed into the water?



**Hon. Mr. Clarke:** Once again, I am very excited to be moving forward with the largest infrastructure project in the history of Yukon, providing a vital land link between southern Canada and the Yukon, and ultimately to our friends in Alaska as well.

This capital budget provides for \$547 million of infrastructure spending, including money like \$71.6 million for the repairs and improvements to bridges and highways, and \$10.8 million for the Yukon Resource Gateway project, which is primarily the Carmacks bypass this year.

As I indicated previously in a response, \$51.3 million is to support the airline access to the territory for Yukoners, visitors, and businesses. As well, we have \$27 million budgeted this year to help create Internet redundancy with the Yukon Dempster fibre project.

With respect to the specific question that the member opposite has, I will certainly return once I have had the opportunity to speak to the subject-matter experts, but for Graham Infrastructure LP, this is not their first rodeo, and I have confidence that they know what they are doing with respect to this large infrastructure project.

**Mr. Hassard:** Unfortunately, the project isn't actually moving forward, and this minister appears to be unable to answer any of our questions. You know, he has talked about this being the largest project in history. We would certainly hope that the minister would be well-versed in what is going on in his department.

So, I will ask one more time and hopefully, the minister has found some answers. If the rock source proves unsuitable for the aggregate source, or is lacking in quantity, does the Department of HPW have a backup plan in place, so that this project actually can move forward?

**Hon. Mr. Clarke:** I will not engage in hypotheticals, and I look forward to meeting with all related parties on Friday afternoon, as this is a good-news story for the Village of Teslin, the Teslin Tlingit Council, and for the Yukon itself. I have every confidence that Graham and its subcontractors, as I said, know what they are doing. They are a large national company that were prequalified to do this work, and I have every confidence that they will discharge their duties and fulfill their contractual obligations, as they have committed to do.

### Question re: Hospital staffing

**Ms. White:** We have heard a lot of words about all the work that this government is doing for our health care system, but on the ground, things are only getting worse for Yukoners. Just this morning, we received a call from someone who needed health care in Dawson City. We learned that the Yukon Hospital Corporation put out a general distress call to all Yukon nurses to come up and cover shifts at the Dawson community hospital because they have so few nurses on shift.

In every community across the territory, Yukoners are losing out on basic health care.

Can the minister tell us how many nurses are being flown between communities at the last minute to fill staff shortages?

**Hon. Ms. McPhee:** I think that the issue being asked about here is how Yukoners are getting health care service and

how we are supporting our nursing staff with respect to the world shortage — national and international shortage — of health care professionals. I can assure the members of this Legislature, the communities across the territory, and Yukoners, that this is an issue not only on our radar — top priority — but one that we discuss regularly and work on with the Yukon Hospital Corporation regarding their nursing staff, how we can work together to provide services for Yukoners, and is an issue that is at the national table for Yukon Health ministers, who will meet in about two weeks, and preparations, meetings, and discussions have taken place and will continue to take place this week.

**Ms. White:** What I was looking for were the numbers of nurses being flown between communities to cover the shortages, but I didn't get one.

The Dawson hospital doesn't just serve Dawson City; it's supposed to provide health care to all of north Yukon, just like the Watson Lake hospital for south Yukon, but the government has no idea if Yukoners are getting that care because, as we showed last week, the Yukon Hospital Corporation doesn't track nursing shortages at any of their hospitals. The only excuse the minister could come up with was that the Hospital Corporation is not under the government. She should also know then that Yukoners' access to health care is still her responsibility.

Will the minister mandate that the Yukon Hospital Corporation track nursing shortages across the Yukon?

**Hon. Ms. McPhee:** I am not sure that the snide remarks are serving Yukoners, but I am certainly happy to discuss the issues that are top-of-mind for us with respect to providing health care to Yukoners, and that is staffing and issues about staffing.

I am not sure — I would be happy to follow up with the member opposite outside of this Legislative Assembly — what is being referred to with respect to not tracking shortages or vacancies. I have asked last week that we might have that information provided to us. We would be very welcoming of the statistics or information that is being set out in the House because, obviously, we are at cross-purposes with respect to that understanding.

Yukon hospitals are working hard to employ innovative solutions to ensure that staffing models are well-planned and sustainable.

**Ms. White:** So, the minister can find that information on the ATIPP website, because now it's publicly available.

Everyone knows how short-staffed and overworked our health care system is. While nurses work overtime and get calls and e-mails begging them to pickup more shifts, the minister said last week — and I quote: "... we insisted that..." — nurses — "... take some time off."

After hearing that statement, more and more nurses asked us: And who is going to cover for me when I do? While others told us that they are being denied time off altogether.

So, when this government is shifting nurses around the Yukon to fill gaps like a game of musical chairs, it's pretty rich to tell them that they should feel supported to take a much-needed break.

Can the minister tell us how many extra shifts nurses are being asked to cover every single week?

**Hon. Ms. McPhee:** I appreciate the question; it's certainly something that will necessarily have to come to me outside of this opportunity so that we can provide information with respect to those numbers.

I think what is critical for nurses here in the territory to know, and ultimately for Yukoners to know, is that we have brought forward an extensive package — a significant package — of benefits and retention bonuses for nurses here in the territory to recognize the work that they have done during COVID and continue to do to keep us healthy and safe here in the territory. That package is currently being discussed with the Yukon Employees' Union. There is, I hope, support coming for that package so that we can introduce it and we can proceed with significant payments to retain and support our nursing staff and to make this the best jurisdiction in Canada to work.

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

**Mr. Istchenko:** On March 29 of this year, I asked the Minister of Environment to consider measures other than shifting to a permit hunt to help support moose populations. One of those measures could be a wolf harvest program. In response, he said very clearly — and I quote: "... we are not promoting predator control in the Yukon."

However, since then, the Yukon government has released the 2022 implementation review of our wolf management plan. The document outlines activities, including — and I quote: "Launch at least one new community-driven wolf harvest program... by 2023."

Now that the minister has heard directly from the wildlife management community that we should be using harvest as a means of control in wolf populations, will the minister reconsider his opposition to this?

**Hon. Mr. Clarke:** Thank you for the question from the member opposite. I think that a consideration of having one area for potential wolf control does not necessary constitute a territory-wide consideration of this measure, and I think what I did say in the spring was that I had certainly spoken to my Alaskan counterparts and had heard that, yes, predator control and wolf management is actively pursued there and, at the time, was informed by my department that this was not the preferred option on a pan-territory basis.

However, I am certainly prepared to consider all options that are supported by subject-matter experts in my department and will govern myself accordingly with all available data and options presented to me.

**Mr. Istchenko:** When I asked about this earlier this year, the minister was very clear that he was against controlling predator populations as a means to support moose and caribou numbers. It was disturbing, actually. In 2012, the *Wolf Conservation and Management Plan* included a specific goal, which was to use wolf harvest as a management tool to reduce predation rates of moose and caribou in local areas. Now the 2022 implementation review of that plan, which was produced by the minister's department, recommends the establishment of a new wolf harvest program.

In light of this, does the minister stand by his previous opposition to utilizing wolf harvest to control predator numbers, and therefore, support moose and caribou populations?

**Hon. Mr. Clarke:** I believe that I did answer that question in the first response, but I will provide some update to the House now while I am on my feet. The Department of Environment is committed to collecting robust data to provide high-quality, up-to-date information for decision-making. To do this, we combine information from harvesters and First Nation and community partners with results from our scientific research and monitoring so that management decisions are well-informed.

In 2021, the Department of Environment conducted seven moose surveys and two elk surveys. In addition, we completed census work on five caribou herds, conducted 12 caribou composition surveys, and deployed collars on 10 caribou herds. In 2021, the Department of Environment spent approximately \$680,000 for seven moose surveys and \$535,000 for 15 caribou surveys and related data collection.

In 2022, the department has allocated approximately \$448,000 for three moose-related projects and \$865,000 for monitoring projects related to 12 caribou herds. We also conducted assessments on black bears, grizzly bears, bison, bats, pikas, and ground squirrels.

I look forward to continuing my response.

#### **Question re: Dempster Highway maintenance**

**Ms. Van Bibber:** The Dempster Highway is an important connection for the Northwest Territories and the Yukon. It is an access for supplies, a huge tourism draw, and with the value of having people from the Delta come south for groceries, lodging, vehicles, and so much more, it's an important economic route. However, the road conditions are horrific on the Yukon section, from the cut-off to the Northwest Territories border. Potholes, loose rock, and overall degradation of the surface has caused all citizens, tourists, pilot car drivers, and truckers to complain and share their experiences with me.

I witnessed it myself during a trip north this past summer, and I can attest they are not exaggerating.

Can the minister tell us why the lack of care for the Dempster Highway is happening? Is it due to a lack of allocated funds, a lack of staff at the highway stations, or just a lack of interest in the Dempster?

**Hon. Mr. Clarke:** Just briefly, I would say that, depending on the time of year, and even specifically with respect to the time in the summer, the communication that was received by my office and by Highways and Public Works really did vary. There were a number of messages received from tourists who actually remarked that they had had a very positive travel experience. I know that with additional rains and inclement and difficult weather — sometimes brought about by climate change and above-average precipitation — that is a road that is subject to changes in conditions quite significantly.

During the fall, the Dempster Highway sees considerable weather challenges that can pose a safety risk, admittedly, to

drivers. Snow, freezing rain, rain, and major temperature fluctuations can make the highway slick and unpredictable. This fall, we have seen a great deal of precipitation, and Highways and Public Works has closed the highway when the safety risks were too high.

I can assure you, Mr. Speaker, that our crew are out maintaining the highway every day, plowing, grading, and fixing issues as they arise. As the temperature falls, the road conditions should stabilize with more consistent winter weather.

**Ms. Van Bibber:** I want to remind the minister that it was just two years ago that the Mayor of Inuvik wrote an open letter to decision-makers on the Yukon side of the border about the terrible state of the Dempster. The letter came after two LNG tankers tipped off and went off the road within a week of each other.

Despite this being raised over two years ago by the Mayor of Inuvik, the state of the Dempster has not improved. Will the minister commit to improving the sorry state of the Dempster Highway?

**Hon. Mr. Clarke:** I had the opportunity this summer to be in Inuvik, and I met with the Mayor of Inuvik, the MLA and Deputy Premier Diane Archie, and I also met with the Gwich'in Tribal Council Grand Chief Ken Kyikavichik in separate meetings. We certainly addressed that and talked about even perhaps a combined response, because we know that the Dempster Highway was built in 1978-79. Ultimately, there will likely have to be — conceding the Member for Porter Creek North's point — significant investment, whether it is through the Northwest Territories, Yukon, or sort of a pan-Canadian nation-building exercise.

So, we had useful conversations, including trying to keep the Dempster open north of Eagle Plains, close to the NWT border, where it is prone to blizzards and whiteouts. I certainly have taken that back to my department. We are on this. We are aware of it. This is a challenging highway to grade.

#### **Question re: Conflict of interest re Old Crow wellness centre**

**Mr. Hassard:** The mandate letter of the Minister of Highways and Public Works lays out the expectation that the minister must — and I quote: "... actively seek, and abide by, guidance from the Conflict of Interest Commissioner." Earlier this year, the minister revealed that the former Minister of Health and Social Services, who is now an employee of the contractor who was awarded the Old Crow health and wellness centre, reached out to government to make representations about the project. According to the Minister of Highways and Public Works, he directed his officials to meet with the former minister, and such meetings occurred on a number of occasions.

Recognizing the minister's mandate letter, why didn't he actively seek the advice of the conflicts commissioner before directing his officials to meet with the former minister?

**Hon. Mr. Clarke:** This government, as we know, is investing in Old Crow, and we're working together with the Vuntut Gwitchin Government.

I was in Old Crow this summer, and I saw the beginning of the pilings for the Old Crow health and wellness centre and tenplex. I also saw the elders centre coming up from the ground. I have also seen subsequent photos indicating that they had a very fruitful summer of construction. Both projects are currently ongoing. The structural steel is complete on both buildings, both roofs on the base sheet, and wall framing is underway on the tenplex, and crawlspace drainage lines, heating lines, and ductwork are completed in both buildings.

We are making significant investments in Old Crow. We are pleased to be working with the Vuntut Gwitchin government on the winter road to get materials into the community. Even this year, again, more than \$15 million is included in this year's budget for the new mixed-use housing project that will create 10 new homes in the community; \$13 million is budgeted for the new health and wellness centre in Old Crow, and also there is money for the elders complex, the new public works facility, improvements to the aerodrome — the list —

**Speaker:** Order.

**Mr. Hassard:** The conflicts act is quite clear. Section 10(4) says — and I quote: "A former Minister shall not make representations to the Government of the Yukon in relation to a transaction or negotiation to which the Government is a party and in which the former Minister was previously involved as a Minister if the representations could result in the conferring of a benefit not of general application."

So, even the current minister must agree that there is at least a perception that the former minister could be in contravention of that section with the numerous meetings that he directed his officials to take with her. By directing his officials to meet with the former minister, he put them in a difficult position. Once he gave that direction, they had no choice but to meet with the former minister, even if they did think it was a conflict.

This could have been all addressed in advance if the current minister had simply sought the advice of the conflicts commissioner. So, why didn't he?

**Hon. Mr. Clarke:** There's incredible work that's going on in Old Crow, Mr. Speaker — an unprecedented level of infrastructure investment, as I indicated, that will provide additional resources through the wellness centre and additional housing at the tenplex, and elders will be provided for, as well, with supportive, independent living. So, these are indeed exciting times in Old Crow — very busy times in Old Crow.

I would just say, Mr. Speaker, that if the member opposite has an allegation to make, he should make it instead of inferring that the former minister did something inappropriate.

**Mr. Hassard:** Anyone who reads section 10(4) of the conflict of interest act would certainly see the potential problem with the former minister making representations to government on this project that she was formerly involved with as a minister. The contract between the former minister's current employer and the Government of Yukon clearly represents a transaction, and the benefits she receives as an employee would not be of general benefit. Yet, despite this, the current minister

directed his own officials to meet with the minister, not just once but on numerous occasions.

So, is the minister not concerned that he directed his officials into a situation that put the former minister in contravention of section 10(4) of the conflict of interest act?

**Hon. Mr. Clarke:** If the member opposite has an allegation to make, he should make it instead of inferring that the former minister did something inappropriate.

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

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### Bill No. 20: *Animal Protection and Control Act* — Second Reading

**Clerk:** Second reading, Bill No. 20, standing in the name of the Hon. Mr. Clarke.

**Hon. Mr. Clarke:** I move that Bill No. 20, entitled *Animal Protection and Control Act*, be now read a second time.

**Speaker:** It has been moved by the Minister of Environment that Bill No. 20, entitled *Animal Protection and Control Act*, be now read a second time.

**Hon. Mr. Clarke:** It is my privilege and honour to introduce Bill No. 20, *Animal Protection and Control Act*, for the Legislative Assembly's consideration.

This bill is presented jointly by the Department of Environment and the Department of Energy, Mines and Resources, as it affects the care, production, and control of all animals, including livestock. The *Animal Protection and Control Act* is a comprehensive, modern, and enforceable legal framework for managing all aspects of animal protection and control in the Yukon.

The bill supports this government's priority to ensure that Yukoners live in safe, supported communities. It also supports positive government-to-government relationships with First Nations and positive government-to-industry relationships with the agricultural industry. This is done through developing collaborative and community-specific solutions to enforcing animal protection and control. The new legislation will replace the *Animal Protection Act*, the *Dog Act*, and the *Pounds Act*.

The Yukon's current animal protection and control legislation is outdated, resulting in low animal welfare standards and significant gaps and challenges around enforceability of animal control laws. Revising animal control legislation responds to past tragedies and recommendations following these instances.

This includes the coroner's recommendations, after uncontrolled dogs in Ross River tragically killed a man in 2015. A Government of Yukon contractor also died in 2014 after sustaining injuries while attempting to capture feral horses on a highway. These incidents highlight the need to better address public safety issues caused by feral animals and animals on highways.

In addition, in 2018 and 2019, incidents of escaped Eurasian boars highlighted gaps in the Yukon's legislative framework around controlling high-risk animals, such as escaped livestock. Currently, there are no existing statutes authorizing government officials to destroy high-risk animals that pose a potential threat to public safety, the environment, or property.

We heard, through public engagement, that Yukoners would like to see higher standards for animal welfare and control across the territory. These standards are the major focus of this legislation.

Communities were concerned about public safety and dogs, but we also heard about the control of cats, livestock, and working animals. The act expands and enhances the enforceability of animal control and ownership laws across the territory to mitigate risks to public safety, the environment, and property. This includes providing clarity on which animals can be owned in the Yukon, with or without a permit, and addresses growing concerns about animal hoarding, and provides new tools for managing escaped, high-risk animals like Eurasian boars, as well as feral populations, such as horses.

The new legislation before us in Bill No. 20 also provides an improved legal framework for animal protection. It will result in more fiscally responsible government operations and enforcement that is more effective and supports proactive management. The act raises the bar for animal welfare in the Yukon and prohibits a number of methods of killing to ensure animals are killed in a humane way. The act allows for permission to be granted to an individual to use an otherwise prohibited method of killing when the killing is for the purpose of a religious ritual slaughter and only when it is carried out in accordance with national guidelines.

This legislation regulates pet stores, boarding facilities, and animal rescue organizations. These organizations are supportive of the new permitting requirements to operate and will have a one-year grace period from when this act comes into force to apply and obtain their permits.

New tools will empower communities to enforce territorial animal laws in their communities and increase public safety. It provides the ministers with the authority to develop and set species-specific standards of care and containment standards for livestock. To allow organizations and businesses time to adjust to these policies and procedures prescribed in the act, implementation will follow once the regulations are in place. This is expected in the spring of 2023.

The act supports Energy, Mines and Resources and the Department of Environment to work collaboratively in supporting the agricultural industry by establishing clear roles, responsibilities, and enforcement actions between the departments. The act will expand authority of the Minister of Energy, Mines and Resources, and includes joint responsibility for livestock welfare and control with the Minister of Environment.

The *Animal Protection and Control Act* will address long-standing concerns of Yukoners about enforcement of animal laws and will mitigate risks that uncontrolled animals pose for public safety, the environment, and property.

In closing, it has been a privilege introducing this bill, and I look forward to hearing now from other members here today.

**Mr. Cathers:** To begin with, in speaking to this, I would note that I'll be speaking to this legislation as our critic for Agriculture and Justice, and my colleague the Member for Kluane will be speaking to it as well later as the Environment critic, which is also an important aspect related to this legislation since Environment is the lead department on it.

What I want to note in beginning to speak to it is, first of all, that the Yukon's animal protection legislation did need some changes made to it. Some parts of this bill are reasonable; there are other parts of it that we have serious concerns about.

Animals are very important to many Yukoners. For some, pets are considered by them to be basically members of their family; for other Yukoners, animals are very important to their livelihood or to their enjoyment of life. A few examples of this include people who are farmers, people who own horses and ride, people who are dog mushers or who participate in skijoring, and a great many other Yukoners who I haven't named in that list. Animals, again, are very important to the lives and, in some cases, the livelihoods of Yukon citizens.

My most significant concern regarding this legislation, to begin with, is lack of consultation on the details. Government did a high-level consultation a few years ago, but unless they have information to present that they have not shared recently, there has been a glaring and problematic lack of consultation on the details of the legislation with the people who are affected by it most, and that, Mr. Speaker, is a problem. It is not acceptable for government to take a "father knows best" attitude and to pass changes that could have significant impacts on the lives or livelihoods of Yukoners without giving them the opportunity to look at the details of that legislation.

Again, I want to emphasize that some parts of the legislation do seem reasonable; some changes, indeed, are required. However, that does not change the fact that some parts of this legislation have gone too far, and there are others that we have questions about. I am sure there will be additional questions from Yukoners regarding them.

To begin with, I want to talk about one glaring example of where this legislation goes too far. The provision that this legislation has created — the power for warrantless search and seizure — goes too far. It may, in fact, be unconstitutional. I am going to give a few examples of that in pointing to other territorial legislation, but what I want to emphasize to clearly explain this for someone who is not familiar with the legislation is that this bill — this proposed legislation — goes further than child protection legislation in the territory does in granting the power for warrantless search and seizure. It goes beyond what is currently in the *Animal Health Act*, and that act was amended in 2013, including creating the provision in that legislation for the ability for an officer to apply for a telewarrant if it was not practical to appear in person.

Similarly, the *Child and Family Services Act* creates the ability for an officer who needs to enter a residence to apply to a judge for a telewarrant. Both pieces of legislation recognize the importance of balancing the ability of officers to act with

the long-standing requirement for officers to get a warrant to enter someone's house and recognize that this principle should not be so casually discarded, as it has been discarded by this government.

Mr. Speaker, as noted — again pointing to both pieces of legislation — the child protection legislation set out under the *Child and Family Services Act* and the *Animal Health Act* both contain the provisions for officers who need to enter premises in a hurry to do so on the basis of a telephone application for a warrant to a judge. If they convince the judge through that telecommunication that they do indeed need to enter the premises, the judge can grant them the ability to do so.

I would note that, in terms of the child protection legislation we have under the *Child and Family Services Act*, the government amended this legislation in the spring of 2022. At that point, it did not see any need to make a change to the child protection legislation to permit the ability for a warrantless entry to a premise or warrantless search and seizure.

I am going to give specific examples of this before moving on to a list of other concerns and questions. This one, because of its importance, does deserve some specific attention and examples in my introductory remarks. Mr. Speaker, under the *Child and Family Services Act*, section 160, which, for the reference of Hansard and others, is on page 89 of the legislation that can be found on the government's website, provides the ability for a telephone application for an order or a warrant.

It says — and again, this is the *Child and Family Services Act* — in 160(1): "If, in the opinion of a director or peace officer, it would not be practical to appear in person to apply to a judge for an order under section 25 or subsection 26(3) or a warrant under subsections 26(2), 38(1) or 91(1), the director or peace officer may make the application by telephone or other means of telecommunication.

"(2) Where the information on which the application for an order or warrant is submitted by telephone or other means of telecommunication, the information shall be given under oath or affirmation and the oath or affirmation may be administered by telephone or other means of telecommunication."

Again, that is from page 89 and 90 of the *Child and Family Services Act*, a clear provision that, even in a matter regarding a child's safety, an officer is compelled to seek a warrant before entering someone's house, but again, as noted there, it provides the ability for them to apply urgently for that by telewarrant.

Also, under the *Child and Family Services Act*, if one looks earlier in that legislation, it makes provisions under section 26 that a director, in conducting an investigation, may, with the consent of the occupant in charge of the place, enter any place. It goes on further — and this is in section 26 of the *Child and Family Services Act*, found on page 19 and 20, it provides the power, under 26(2) of the *Child and Family Services Act*, that — and I quote: "If a person denies the director entry to any place, instructs the director to leave any place, or impedes or prevents the investigation by the director in any place, and the director has reasonable grounds to believe that entry to the place would further the investigation, the director may apply to a judge for a warrant authorizing entry to the place."

Further, in subsection 26(5), it notes — and I quote: “If the judge is satisfied that the director has reasonable grounds to believe that entry to the place would further the investigation, the judge may issue a warrant authorizing entry to the place by the director.” Again, that is the standard set out dealing with the safety of children.

Further, if one turns to the *Animal Health Act*, which was amended in 2013 to meet the current needs of society at the time, there is provision in that act in section 34(1) — and I quote: “A justice may issue a warrant authorizing an inspector or any other persons named in it to enter and search an area, including a private residence, or conveyance and take any necessary action as specified in the warrant...”

The legislation then goes on, on the next page — page 17 — section 35, telewarrant “If an inspector believes it would not be reasonably practicable to appear personally to make an application for a warrant under section 33 or 34, a warrant may be issued under either of those sections on an information submitted by telephone or other means of telecommunication in the manner provided for under section 487.1 of the Criminal Code (Canada) with such modifications as the circumstances require.”

Again, that change was added to the *Animal Health Act* in 2013.

In conclusion on that point, both the Yukon’s existing animal health legislation — which was amended in 2013 — and the *Child and Family Services Act* provisions, which I, as Minister of Health and Social Services, tabled and were subsequently then amended through legislation the government brought through this spring — both pieces of legislation provide for the ability for an officer who needs to enter someone’s house to obtain a telewarrant, but do not provide the sweeping powers contained in this act for someone to enter without a warrant. The government has failed to make the case for these powers, and in fact, as I have said, in my view they are not only unjustified but very likely unconstitutional.

I would encourage Yukoners who are interested in this to refer to both pieces of legislation to which I referred, and they can see that, in the *Animal Health Act* and the changes we made in 2013 in the original *Child and Family Services Act*, which I introduced, and in the amended version, as changed by the government this spring, no one saw it necessary to provide for as strong powers to enter someone’s house without a warrant as are contained in this legislation, which the Minister of Environment tabled this fall.

Moving on to other areas — I should just note, before I forget to do so, that, as I mentioned, we do support some parts of this legislation and believe that some parts of it needed changing, so we will be voting in favour of it at second reading for debate in Committee of the Whole, and to have some of these questions answered. I also hope that the minister will see the error of his ways in the legislation and recognize that, in particular, section 14 of the act he tabled, “Entry without a warrant” should not be in this legislation, and perhaps he may choose to pull that section from this bill.

I would also note, before I leave this topic, that under that section, what it does is that it allows an animal protection

officer — if this legislation passes — including police, to enter your home without a warrant under certain circumstances. Once there, they may — and I quote: “... may, without a warrant, seize any thing, or take custody of any animal...”

That, Mr. Speaker, can be found in section 17 of the bill. So, it provides the ability for warrantless entry under certain circumstances and the provision that, once there, they — and again I quote: “... may, without a warrant, seize any thing, or take custody of any animal...”, and that is simply going too far. The government should have landed where the *Child and Family Services Act* and the *Animal Health Act* did, which is to provide for the ability of an officer in such a circumstance to apply to a judge for a telewarrant.

Moving on to other areas that don’t appear to be unconstitutional but are potentially concerning as well — in this legislation, the minister proposes allowing Cabinet to make regulations limiting which species can be kept, prohibiting species, and requiring permits for some species. Now, Mr. Speaker, the possibility of banning species that are currently lawful in the territory is something that would certainly be of interest to a great many Yukoners. In this area, it is not clear, first of all, what the government proposes to do. Under the *Wildlife Act*, there are already a number of exotic animals that cannot be lawfully kept, and what the question that comes to my mind in this is: What exactly is the government proposing doing this for? If there is the need to target a specific species, why not include that in the legislation, allow the House to debate on it, and make the case for that change, instead of creating a structure, as the minister proposes, where the current Cabinet — seven people who are elected then with less than one-third of the popular vote — could make decisions unilaterally without public consultation?

If the government believes that there is truly a compelling case for prohibiting a species or requiring a permit for others, as proposed by this legislation, then make that case to the public and to this Legislative Assembly. Don’t ask for a blank cheque to start banning and restricting species as this Cabinet sees fit — again, a Cabinet elected with less than one-third of the support of the popular vote from Yukoners and, of course, whose support has nosedived to the point where they now have the support of less than one in four Yukoners.

Mr. Speaker, this legislation — additional concerns and questions include the fact that it specifies duties of an owner and allows Cabinet to go further in regulations. In addition to setting standards of care, the proposed law requires opportunity for exercise and socialization without saying what that means.

Now, I want to be clear about the fact that certainly I believe — and I think it’s fair to say on behalf of my colleagues that we believe — that there should be appropriate standards of care for all animals, but the question is how to go about it. Whether it is the case, as is in the existing *Animal Protection Act*, that in cases of neglect of an animal’s basic needs, such as food and water, that government could step in, or getting more prescriptive in regulations, as this government proposes. What I would note in this specific area is that, again, this is an area where the details actually will matter to Yukoners who are affected by it, and this Liberal Cabinet is not the only source of

good ideas in the territory, nor, in fact, do they represent most Yukoners.

In terms of the question of opportunity for exercise and socialization, one of the reasons I single that out is a clear statement in the legislation would be required, but it doesn't really say what that would mean. The needs of individual types of pets are, of course, different. Also, individual animals within a breed can differ. For example, if someone has an old dog or one that has been injured in some way, the ability to exercise may be limited for that dog, and an exercise regime that might be appropriate for a young, healthy member of that breed would not be appropriate for an older animal.

In addition, the question of socialization raises the question of socialization with who. Is it with other members of the species? If that is the case, is the government potentially saying through this, or will it be interpreted as saying, that if a dog is unable to socialize with other dogs on a certain frequency, that perhaps the owner would be in violation of the law? For example, for someone who is limited themselves in mobility or who lives in a remote area, it may not be feasible to have their dog socialize with other dogs. Would this prevent someone who owned one horse from having just one horse?

Mr. Speaker, if that is not the intent, my point is — and I would encourage the Cabinet to recognize this here — that, in making such a statement law without defining it, it does create the potential that, in interpretation, it creates unintended consequences that may not be fair to individuals. In fact, it may not be in the best interests of the animals themselves.

On the socialization question, I would point to another situation. For example, there are some dogs who are aggressive with other dogs and putting them in a situation with socialization may actually put both animals at risk. Again, this raises an issue that may sound good at face value to the current Cabinet but creates potential problems, depending on what that sweeping clause is interpreted as meaning.

The legislation provides the authority for an officer to stop a vehicle if they suspect that an animal is being transported in a manner that may contravene the act or regulations. Again, while it is common for ministers who wish to pass new powers to argue that, when it comes to operating under the *Motor Vehicles Act*, operating a motor vehicle is a privilege, not a right — it does raise questions on whether there is reasonable basis and probable cause for an officer to stop a vehicle, or if government is simply taking advantage of splitting legal hairs to allow someone to be stopped based on suspicion.

I have a little more in my notes here.

It allows the current Cabinet to designate animals as part of a prohibited species, allowing an officer to seize any such animals from their owners. That is set out in sections 25 and 26. It provides the ability to require a permit for possession of some species, that includes — section 27 references to it. It requires permits for boarding facilities, pet stores, and animal rescue organizations, but it's not clear what the permit standards would be. I would note that this could create a problem for some owners, but we don't see the framework of what those permit conditions would be. We see sweeping powers put in place that

could result in some boarding facilities or even animal rescue organizations deciding that they simply can't operate anymore.

I would note that, if the ministers might like to dismiss the suggestion, the changes they have made to the *Societies Act* and the reporting requirements for societies are making it hard for a number of NGOs to operate; it is certainly not a stretch to think that there are requirements that they might put in for permitting here that could create a situation where other NGOs or boarding facilities simply choose not to operate.

Again, what I would note in that situation is that there is more than one way to approach this. Yukoners should be consulted on the details of this. If a permit is required for a boarding facility for animals, pet stores, animal rescue organizations, et cetera, the details of what those permitting requirements would be — the details about the standards of care and potential inspection regimes — are quite key to whether an operation would continue to operate.

Again, I do want to emphasize the fact that I certainly want to ensure that animals are properly cared for, and I think I can say on behalf of my caucus colleagues that we are also concerned about animal protection and recognize that there does need to be the ability for government, in cases of animal cruelty or neglect, to step in. But there is a difference between the ability to step in when there is a clear case of neglect and/or abuse and a permitting regime that is very stringent and specific and reflects the values of this current government, or perhaps officials, but not reflect the values or the needs of Yukoners. In this situation, the details of this are quite important, but we don't see the details. We see where this government has given itself sweeping powers to create the details in regulations, potentially without public consultation.

This legislation allows Cabinet to make regulations, including: prescribing standards of care for animals or certain animals; standards for breeding and possession and regulations around that; regulations around the sale of animals; and regulations limiting the number of animals that a person may possess. Now, in that latter case, Mr. Speaker, I would agree that, in a case where someone has a record of not caring for their animals properly, there is indeed a need to have the ability for a court to issue an order, in certain cases, to prevent someone who has a record of chronically not caring for their animals well from just continuing to repeat the same cycle.

However, that should not go so far as this legislation does. In my opinion, it is creating the ability for government, without justification, simply to choose to limit the number of animals of a certain species or type that a person may possess, without having a reason, as I mentioned, to believe that the owner would not properly care for more than a certain number of animals.

The list of regulation powers that this act proposes giving to Cabinet is a whopping four pages long. It is not clear yet whether government intends to make sector-specific regulations for animals or species-specific regulations for animals, but this legislation would allow them to do that for horses, for chickens, for dogs, for sled dogs, for cattle, goats, or any other species that they see fit. This is a continued example of the bad trend that has happened within Canadian society of

increasingly allowing government to transfer itself sweeping regulatory powers for Cabinet to act unilaterally behind closed doors in regulations without consultation with the public and people who are directly affected by it.

Again, as I noted, in my view, it is simply unnecessary to create a blanket provision for a government to prohibit certain species of animals, to require permits for certain species, and to limit the number of animals of someone who doesn't have any record of care issues regarding their animals. Those powers are not necessary or justified.

Species-specific situations — if the minister, for example, intends to ban certain breeds of dogs or certain breeds of livestock — they should make the case for that to this Assembly, not be able to slip up to the Cabinet room and make that decision behind closed doors with only seven people in the room.

The minister made reference to feral animals and the ability to regulate them. He made reference to high-risk animals and gave the example of a certain species of hogs, but it's not clear whether it is limited to that species. If that species is viewed as the high-risk animals that the government is trying to solve the problem with, it is certainly possible to simply specify that in the act.

The minister then went on to talk about wild horses in the section about feral animals, which raises — as I have heard from constituents before — the question: What is government actually planning to do in this area? The government's consultation paper back a few years ago raised the question — and from the “what we heard” document said — about what government was planning with regard to feral animals.

I recognize that any one of the feral populations, including wild horses, there are people who are concerned with the impacts of those animals. There are also some, in the case of the wild horses, who would like to see the animals left in peace in the area where they are.

What we're not hearing from the government is what they are planning. Are they planning on issuing permits to trap these horses or permits to euthanize these horses? What did the minister mean when he specifically referenced wild horses when talking about the provisions of this legislation to give them more powers related to feral animals? Part of what I am calling for in this is accountability and information.

Does government plan on implementing a permitting regime for livestock? Is that what they meant when they referred, with the rather vague references in this legislation, to requiring permits for certain types of species? Would it require someone to get a permit to have a horse, to own cattle, to own more than two horses, to have certain breeds of dogs, or to have sled dogs or a certain number of sled dogs? What is this government actually planning to do? Would you have to register your chicken and get a permit?

Mr. Speaker, I am deliberately, in that case, giving what, in my view, is a bit of an absurd example simply to make the case that the powers that this legislation gives Cabinet to unilaterally make regulations without public consultation — banning certain species, requiring a permit for others, and limiting a certain number of species — are quite significant.

They are also, in my view, not justified by the current problems that the Yukon is dealing with. With any legislation, some people will ask the question — and rightly so — what problems are you trying to solve? That would be my question: What problems exist within the legislation that the government is trying to solve? Do the solutions fit the problem, or do the solutions simply provide a convenient ability for the current government to give itself more powers, as they propose doing this, to simply make up the rules behind closed doors without public consultation?

Again, as I noted at the start, my understanding is that the government did high-level consultation in the lead-up to this legislation years ago but did not consult on the legislation itself.

If the government has actually consulted with anyone other than themselves on the details of this legislation, I challenge them to say who they have consulted with and to produce the record of those consultations, including the information that government provided and the input they received because, ultimately, as I noted, there is a need to change this legislation, but how it is changed is also very important because the details of this legislation and any powers that government gives itself for the ability to take action on any regulations behind closed doors are very likely to impact the lives and livelihoods of Yukoners.

In my view, Yukoners have a right to see the details of this before it is passed. It is unfortunate that the government does not seem to have done so.

The minister referenced, as well, the ability to set livestock containment standards in regulations and specie-specific regulations. What we know in a situation where government already gave itself the ability to set livestock-specific standards, in the area of sheep and goats, the way that it was proceeded with and the department having the power unilaterally to decide whether someone's fencing was appropriate, without any consultation with the owners or the industry on the standards, it has been problematic, as well as costly, for individuals. What this legislation is doing is going beyond sheep and goats to allow this government to set fencing standards for all livestock, as well as for animals, such as horses.

Again, the details of the fencing standards are going to have a big impact on the lives and the pocketbooks of people who own animals. Why is it unreasonable to suggest that they should actually have the opportunity to be consulted on those details before the government makes regulations behind closed doors?

Lest the minister be tempted to rise and say that they will consult on the regulations, why not consult on the legislation? This government's record on consulting and listening, when it comes to matters related to the agriculture sector, is actually — I have some issues with it, and we could talk about a number of other industries that they have dealt with in the same way, where people have not felt very listened to by this Liberal Cabinet.

Another area that, in looking at it, is problematic is the new, tougher language that establishes a prohibition allowing animals to go on to public property. This section — and I would invite the minister to share his view on it — but this section



appears to make it an offence to have your dog wander on to public property, or to be loose on public property. This section appears that it may make walking your dog loose illegal. Is that the intention of this government? If not, why did they word the legislation the way that it's worded?

Mr. Speaker, I'm going to just specifically refer to that section here, if the minister and members will bear with me. Under Part 5, Animal Control, there is a very clear requirement that the owner must — and I quote: "... manage the animal in such a way that the animal does not..." — moving down to one of the subclauses — "stray on to public property, including a highway or a right-of-way ... the property of another person without that person's consent ... damage the property of another person or public property ... cause damage to any wildlife population ... cause damage to ... the environment..." — or — "... have any other negative effect prescribed by the regulations..."

Now, Mr. Speaker, one part of that — the part of being required not to damage someone else's property or damage wildlife — there is a reasonable case being made for that, but why is the government making it an offence to have your dog loose on public property, including a highway or right-of-way? What is the reason for this wording? If that is not the minister's interpretation of that, then please do explain how this legislation — how the minister is interpreting it, otherwise, because it certainly appears to me from reading this legislation that, if passed in its current form, this legislation would make it unlawful to have your dog or your horse or your cat loose on public property, including a highway or highway right-of-way.

As the minister should know, while it's one thing in Whitehorse, there are understandably restrictions in certain areas on having your dog loose, but the Yukon as a territory, larger than almost every country in Europe — if you were in rural Yukon, if you're out in the wilderness, and you have your dog loose on public property, who are you hurting? For people who choose to walk their dogs loose, and whose dogs are largely under control, though not tethered, why is government putting in legislative changes that appear to make that practice illegal? Again, if that is not the government's intent, then I would strongly suggest that they bring forward changes to this legislation to make it more clear and to ensure that walking your dog loose does not become an offense.

Again, I recognize that if there is a situation and a reasonable case to be made for saying that your animals should not be loose and causing problems to another person, or causing a risk on a highway, but for constituents of mine who like to take their dog for a run down trails, or on secondary roads, and aren't hurting anyone, I have to ask the government why they think that activity is a problem.

Mr. Speaker, I am just trying to see if I had any other notes that I missed mentioning about this. I think that has largely captured my points. I will be asking other questions later in Committee. I would note, as well, as I did earlier, my colleague will also be raising some concerns and questions.

In conclusion, what I want to emphasize are a few points. Some change to the Yukon's animal protection legislation is necessary. Second point: Those changes should be

proportionate to the problems and likely problems that we have and should not go too far. Third point: It is important that the legislation balance the rights of Yukoners with the importance of ensuring that, if someone is neglecting or abusing their animals, government can step in to take appropriate action. If that balance is lost and if too much power is given to government or the regulations are too prescriptive, you have a situation where it can unnecessarily impede the actions of someone who is respectful of their animal and are not hurting anyone else.

As I noted in my introduction, the details of this legislation are very important to Yukoners. There are some pieces of legislation — many pieces of legislation — that are not of strong public interest. They may be important and may have their value but they are not things that obviously impact the lives of Yukoners. The rules regarding their pets, other animals, and livestock, are important to Yukoners.

They do not want to see a situation where government goes too far and creates an overly stringent regulatory regime. There are also many people, when it comes down to the question of permitting — we know that this government, early on in its first term, set out deliberately to increase fees and fines across the board in a great many areas in the Yukon in a revenue-collection endeavour. This legislation — whether it's intended or not — certainly seems that it may be an extension of that because, obviously, if they are going to require a permit for certain species, there is undoubtedly going to be an application fee. That is a cost that will be put on every individual animal owner, and if government is about trying to more strictly regulate areas to raise revenue through these areas, that, in my view, is not in keeping with what most Yukoners would want to see from this legislation.

I think it's fair to say that most of my constituents, and most Yukoners, want to see legislation that allows people to own animals without unnecessary or unreasonable interference from government but provides the ability that, if anyone is not caring for their animals properly, or is abusing them, the government then does have powers to step in and fix the problem. But, as I mentioned earlier, it is also important, as we see in a number of other areas of legislation, that the unilateral powers of any officer be tempered with the checks and balances that our society has typically put on the powers of officers, which include the long-standing requirement for warrants when entering someone's house. It is important, in my view, that changes to the animal protection legislation be properly balanced, giving the officers the ability to step in if there is a case of abuse or neglect occurring, but also create a situation where they can't step too far without seeking a court order and receiving authorization from a judge.

I hope that has explained to government where there are concerns here. As I wrap up my remarks here, I do want to again note my concern about the lack of consultation on the details and urge the government — if they have done any consultation on the details of this legislation, not the high-level consultation a few years ago — if there has been any consultation with anyone on the details of this legislation, tell us who and show us the record of it.

With that, Mr. Speaker, I believe that I will wrap up my remarks. I look forward to hearing some of the responses from government and raising additional points when this comes forward to Committee of the Whole.

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

## INTRODUCTION OF VISITORS

**Hon. Mr. Streicker:** Mr. Speaker, I just wanted to rise to acknowledge a couple of folks — well, now it's one again. It has changed since the member opposite was speaking — if we could please welcome Dr. Mary Vanderkop, who is the chief veterinary officer for the Yukon, and welcome her today.

*Applause*

**Ms. Tredger:** I am pleased to be rising on behalf of the Yukon NDP to discuss this act at second reading.

I want to start a little bit by talking about what I understand to be the motivation for this act and, in particular, some of the problems that we have been hearing about — well, in particular, feral dogs in small communities. I want to say that we really appreciate the effort in bringing this act forward to try to tackle that problem because that is significant. It is very scary for the people living there, and it is high time that it is dealt with and I really appreciate that it is being attempted to tackle it here.

I don't have too much to say at second reading. There are a number of areas in which we have specific questions that we would like to get into. Many of those echo the questions that my colleague has brought up — particularly about the warrantless entry — but I do want to highlight one area that I have a bit of concern about. I know that there has been a pretty extensive consultation process that went into this. I will start by saying that I just really appreciate the work of all of the officials who worked on that — all the public servants who worked on that — because I know that it is a lot of work and I hope that this will be kept in mind as I highlight my concern.

This particular concern is about the methods for killing animals — particularly around ritual slaughter, which the minister mentioned in his remarks. When I saw that, I reached out to members of the Jewish and Muslim communities because, of course, we are talking about halal and kosher slaughter here, and this was news to them. I hope to be corrected, but it is my impression that, thus far, no one has actually talked to those communities about what this means for them. That is a pretty concerning oversight to me. If we are going to talk about restricting or limiting a religious practice, we absolutely need to be talking to those communities about whether that works for them, what that means for them, and what they want to see in that legislation.

So, that's a concern of mine that I will highlight now as something that I will be asking about in Committee of the Whole to try to get some clarity for those people on what this legislation says and what the implications for them are going to be as they practise their religion in relation to the slaughter of animals.

I am going to leave that for second reading and save the rest of my questions for Committee of the Whole.

**Mr. Istchenko:** It's a pleasure to rise to speak to Bill No. 20, *Animal Protection and Control Act*. I do want to thank the Environment staff for the thorough briefing. This bill is an update on outdated legislation and, as the minister and others have said, there are some gaps in there that need to be addressed. I am happy to see it coming forward and I am going to be supporting this bill, but after reviewing this piece of legislation, as you have heard from my colleague and the member from the Third Party, there are concerns.

One major concern for me — and I did bring it up with staff — was the consultation that was done. It was done many years ago. I know that the pandemic didn't help and that it prolonged the tabling of this. However, I do believe that those who were consulted should have had a chance to look at recommendations over the comments before this bill was tabled.

I did reach out to a few organizations earlier today and I got a response from a couple — just with some concerns that we had. I was happy to hear that these organizations are going to meet with the territorial veterinarian via Zoom to review some of these changes and have that discussion. I will challenge the minister to, maybe in his closing comments, talk a little bit more about exactly who is going to be consulted with on the bill before us today. I will also challenge the fact that this should have been done before the bill was tabled — if you are going to go out there — because of the timelines in there.

The other thing that I did bring to the staff's attention was a few questions that I will have during Committee. These are questions on the appointment of individuals as animal protection and control officers. There will be a few questions there. The ability without warrant — my fellow colleague, the MLA for Lake Laberge, discussed this quite a bit. He also discussed inspections and the permitting. There are some questions that we will have.

The offences and penalties also concern me. I just want to talk about some of the dollar totals. I did talk to the staff about it.

I know that there will be a few other things brought to our attention, I am pretty sure, after the next round of consultations, which is going to happen right away with some of these organizations.

In closing, there are some good things in this bill. An update to old legislation is definitely needed, Mr. Speaker. The consultation is a little bit challenging — the time of tabling this bill was concerning — so I look forward to getting into line by line with some more in-depth questions.

**Hon. Mr. Streicker:** I have a few remarks that I would like to share. I want to just begin by talking about the engagement. Overall, we know how important animals are to Yukoners, from our families as pets, but also for livelihoods on our farms and parts of business. This bill supports how we responsibly care for animals that are owned by Yukoners. We hope it will replace outdated legislation to provide a broader protection of animal welfare in the territory, and it will provide us with enforcement tools when we need to manage

uncontrolled animals if they are a threat to people, to property, or to the environment. Let me start with that.

The Member for Lake Laberge was talking about the act and saying that it's going too far. I look forward to getting into the back and forth — between the minister during Committee of the Whole — but when I posed this question about the purpose of the act and what's going on within it — I will point to right in the preamble of the act where it discusses that this is about creating a clear duty for animal owners to prevent their animals from causing damage to public health or safety, property or the environment, and empowering animal protection and control officers to respond where the threat of such damage exists.

We know that the legislation is out of date. We always do cross-jurisdictional looks, and I asked for a comparison to other jurisdictions. We are coming up to where other jurisdictions have gotten to. The Member for Lake Laberge suggested that the act may be unconstitutional. I am going to point out a couple of things about that, but I look forward to hearing his questions about that.

The other issue that seems to be raised is whether or not we talked to Yukoners. Just last week, the Member for Porter Creek Centre suggested that we should stop listening to Yukoners — that we had done enough listening. I will get the exact quote, but — well, if the leader is concerned, here is the quote: “Hasn't the government listened long enough?” So, on some issues, the members opposite say, “No, no, stop listening.” On this issue, they say, “You haven't done enough listening.”

Let's just talk that through a minute. On this act, we visited 10 communities — the folks working on the act — and there were 900 responses around the act. The Member for Lake Laberge asked whether we had talked with anyone in between when the drafting of the act was there. I know that I had conversations with members of the agricultural community and with the Yukon Agricultural Association, letting them know that the act was on a path to come here this fall. I talked with them over the summer. I directed the Agriculture branch to be in conversation with the Yukon Agricultural Association. I understand that they met with them last week. I got a note earlier today. I asked again whether there were concerns that had been raised. What I got back was that they would like to be involved. The Agricultural Association said to us: We would like to be involved as regulations are being developed. I am happy to have that. That's terrific. I want that.

We met with First Nations, we met with communities, farmers, veterinarians, animal rescue operators, mushers, Royal Canadian Mounted Police, and many other groups that work with animals. I think that it was critical for us to get a broad cross-section of input to develop the legislation before us today.

My own role — well, the role of Energy, Mines and Resources — it is responsible for the agriculture sector, which includes livestock animals. I will say that, as someone who has talked to many people across our communities, this is a big deal. Dogs in our communities are a real challenge. Can I just say this? It's not usually the dogs; it's the dog owners — honestly.

What we are saying is that we need dog owners to make sure that they have control of their dogs and that they're able to ensure that their dogs are safe. If their dog is safe, no problem, but if their dog is not, then yes, it's a problem if they're out on the road where we might have people walking or running. So we need those owners to be sure that they have control of their animal, if that animal needs to be controlled.

So the bill supports the health and growth of our pets and our agriculture sector, and it clarifies which livestock species can be owned or prohibited, and setting standards for livestock welfare, containment, and control. I remember last fall there was an issue with horses, and man, there was an onslaught — an outpouring — of Yukoners raising their concerns. So let me talk for a minute about this notion about warrantless entry.

Two of the members — sorry, three members opposite have expressed their concern, but the Member for Lake Laberge started by saying, “Oh, you don't even have this in the *Child and Family Services Act*, which we just passed this past spring.” I just looked it up. So I draw your attention to section 39 of the new *Child and Family Services Act*, which is titled “Bringing child into care without warrant.” Underneath it, it says — and I quote: “If a director or peace officer has reasonable grounds to believe that the life, safety or health of a child is in immediate danger, the director or peace officer may, without a warrant, bring the child into the director's care.” You know what? That sounds reasonable to me. Why? Because we're going to prioritize the health and safety of our children.

It amazes me that, in the Member for Lake Laberge's presentation, where he's talking about oh, you can get a telewarrant, and you can get a warrant, but he didn't talk about the warrantless entry. In fact, he said it's not there, and I've just quoted from the act to us —

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

**Hon. Mr. Streicker:** And then I looked up in the act that we have in front of us, under section 14, and it says something very similar. It's called “Entry without a warrant.” It says “If the conditions for obtaining a warrant exist but, because of exigent circumstances, it would not be feasible to obtain a warrant, a member of the Royal Canadian Mounted Police may enter a place, including a dwelling place, without a warrant for the purpose of meeting the standard of care in relation an animal or providing an animal with an adequate quality of life.”

So, if there are animals being mistreated, if it is exigent — meaning it is really critical from a timing perspective — then, yeah, we should do this. I look forward to having that dialogue back and forth in Committee of the Whole with the Minister of Environment talking about how this compares to other jurisdictions, talking about why it would be important to make sure that we protect the welfare of those animals if they were at risk.

He makes a big point about does this government overstep? I think we will all hear if somehow —

By the way, it's not the government, as in the elected officials; it will be the professionals whose job it is, whose work it is, to care for animals around the territory and try to keep our communities safe. Those professionals — that's who he is

suggesting would be overstepping and overreaching, and I disagree. Let's have that debate; that is a good debate to have.

Just coming back, the member opposite has talked about the regulatory-making ability. He somehow listed off that there are so many pages about it. He listed off a whole bunch of animals. Just name the animals you don't want us to have regulations about. Sorry — I encourage the member to name the animals that he does not wish us to have regulations about. That's why the list is there. We want to ensure that animals under care do not escape and cause damage to the environment or other species. We have seen problems with this in the provinces around sheep, goats, and swine. We do need to be careful. We need to keep that separate so that our wild species are safe, as well as our livestock.

I think it's important that I make it clear that this legislation supports Yukon's livestock industry and the hard work and growth in this sector. It enables the industry to develop with clear requirements and standards of animal care. We will continue to collaborate with and inspect livestock operations to ensure that everyone is meeting the standards set out in the legislation. Our officials will also continue to lend their expertise and assistance to ensure livestock operations succeed and contribute to the Yukon's local food supply.

The members opposite did suggest that the legislation was out of date and that it needed to be updated. I appreciate that comment, and it is. It does need to be modernized. I can say that we have — our agriculture sector is definitely growing, and they want clarity about how farmers and producers can run their businesses and ensure that animals in their care are treated respectfully. I have to say that, in my experience, our farmers care about their animals. I have been so impressed in meeting folks in the agriculture sector.

Over the past six years, we have seen growth in livestock, eggs, and non-livestock — like vegetables and processed food sectors — but for the livestock producers, we have experienced a 379-percent increase in red meat inspections from 2016 to 2021. So, in over five years, it has more than tripled — nearly quadrupled. Inspected swine has increased 430 percent. So there is much, much more happening. For poultry, we began inspecting poultry slaughter in 2020, with 3,200 birds inspected each year in 2020 and 2021.

This growth is in line with our vision to increase Yukon's self-sufficiency in food production, and we want our agriculture industry to produce high-quality products that feed our communities and contribute to the local economy. This is why we need a modern, comprehensive animal control and protection legislation, which we have in this bill before us today.

We also recognize that in a territory as large as ours — geographically large — communities are an essential part of enforcement. So, what this bill does is it introduces flexibility and enforcement by allowing deputy animal protection and control officers to be designated in our communities to support the enforcement of animal health and welfare. By the way, this is one of the conversations that I have in both our municipalities and in unincorporated Yukon.

This is the way that we hope to ensure that our agriculture industry can grow safely and sustainably across the Yukon, and it will ensure that animals in our care — whether they are a loved pet, a working companion, part of our local business, or on a farm — are cared for and treated respectfully.

With that, Mr. Speaker, I will conclude my remarks and I look forward to Committee of the Whole, where we can get more detailed responses to some of the questions raised by the members opposite.

**Ms. Van Bibber:** It has been interesting listening to the banter this afternoon. Many concerns have been expressed for animals, whether pets, livestock, or working animals. The many responses that were received proves that there is obviously something that needs to be addressed, and I, too, look forward to Committee of the Whole.

The link to tourism and animals has been an issue in Canada. Most times, when we hear a story, it is unpleasant. Oftentimes, it is sad, but rest assured, there are many wonderful stories as well, but those don't usually make headlines, such as the business in Whistler where they offered a dog mushing experience for Olympic visitors. When the main event was over, so were the dogs, and there is very bad press on how they disposed of those working animals. I am not suggesting that this is the case anywhere in Yukon. I hope it never happens within our borders, but we must ensure that there is enough strength to any protection and enforcement to protect a kennel of working dogs, whether from mushing, or hunting, or fishing.

Most people who own pets place their pets as part of their family. We know they feel and interact with us with feelings, so if a dog is raised in a kennel, that animal will know who feeds them, who is kind to them, and so on. I believe that a standard of care for these animals must be set out so that it is not onerous, but is a simple standard that owners will be cognizant and aware of their responsibilities and do them willingly.

To put enforcement tools into rural communities to local governments sounds reasonable, but there must also be clear guidelines on how this happens and who is assigned in each municipality to do this job. Historically, the role of dog catcher in rural communities is not a job that is easy to fill due to owners lashing out at someone who has taken on the job. In Whitehorse, we do have animal control bylaws, and they are used often to solve problems in our largest town in Yukon.

Each town or village has guidelines, but at times not the manpower or funds to ensure animal control is done on a regular basis. Also, historically relying on the RCMP detachment has been something from days gone by, but they also have restraints on their time and budgets to be doing this type of community work.

We must make sure that it is all-encompassing to ensure all needs are met in many areas of animal control and protection.

I do know that there are many responsible animal owners who offer ethical and honourable businesses that feature animals for their possible enjoyment for the tourists, and there is something truly northern.

I would like the government to please ensure that these businesses have their input recognized as they are the ones who know the animals and also their business — work together with the dog-mushing community.

**Mr. Dixon:** I will be very brief in speaking to this bill at second reading, but I did want to make a few points that haven't been made yet by my colleagues. I will start by saying that I am very pleased to see this bill come forward and for the previous acts that it replaces go by the wayside. I certainly appreciate that acts like the *Dog Act* and the *Pounds Act* were very much outdated and in certain need of replacement. To see those pass on is good. To see them replaced by this bill, I think, is a positive step forward. It is yet another step forward that has been going on for some time with regard to these issues. It was almost 10 years ago that I tabled the *Animal Health Act* in this Legislature, which, of course, modernized the office of the chief veterinary officer and created specific, clear, science-based, transparent methods to deal with the health risks that would have enabled an effective response by government without requiring changes to then-existing farming practices and provided the chief veterinary officer with modern tools for responding to hazards and potential problems that may have occurred.

Following that, a few years after that when I was Community Services minister, we moved the animal protection office from the Department of Community Services over to Environment where it is now housed, beneath the chief veterinary officer. Again, that is just another step in the evolution of government's management of these issues.

My colleagues have raised a number of questions and concerns that we have about some of the details of the bill. We have already seen some of the debate transpire with regard to the nature of those issues.

I won't delve into those. We certainly will have the opportunity in Committee of the Whole, but I believe that there are a few issues that haven't been touched on yet, so I want to flag them, mostly as a point of interest for the minister because I know that, as these things progress, it is useful to be aware of some of the more touchy items that sometimes the government may present to a minister for his or her consideration at a given time.

I want to note just a couple that I think that the minister should be cautious with. The first is that the act lays out in an explanatory note that this bill provides the ability for setting up of a framework to clearly identify which species of animals may be kept and which animals are not allowed to be kept, including the introduction of a requirement to obtain a permit to possess those species. This is an issue that we have seen play out across the country in very controversial ways. We have seen really specific legislation in places like Ontario, which has banned certain breeds of dogs. We have seen other jurisdictions require permitting for certain breeds of dogs. In every place that this is done, it is almost always followed with considerable — "outrage," I suppose, would be one word, but certainly protest and other types of concerns raised by the public in those jurisdictions. It is often very divisive and controversial. I will

discuss this more with the minister once we get into Committee, but I did want to highlight that I will have some questions for the minister about this in Committee. I would ask that he either prepare for that or provide some sense of whether the government is contemplating these types of regulations in Yukon, and if so, what sort of consultation would the minister have in mind before proceeding with that?

The second item that, again, I think is somewhat controversial is the idea that is outlined in the explanatory note related to the prohibition of certain cosmetic surgeries that have no benefit to animal health, and I know that is something that is of interest to many dog owners, particularly those who are interested in breeding purebred dogs or having purebred dogs. There are certain practices in the show of animals that include cropping — things like cropping of ears or cropping of tails. These are the types of things that don't appeal to me personally anyway, but I know that many in the animal community are very passionate about them on both sides. I say that, again, as a caution to the minister to proceed with careful steps on those types of issues because they can become quite divisive and quite controversial. If the government is planning on acting on those types of powers that are enabled by this bill, I would suggest a strong degree of caution.

With that, Mr. Speaker, I simply wanted to note those two things because I do think that they are of great interest to many Yukoners. I will ask some more detailed questions in Committee of the Whole, but I wanted to flag those today in second reading in the hope that the minister and his department can prepare some responses and some thought into how the government plans to proceed on those particular issues.

Other than that, Mr. Speaker, I am pleased to see this bill come forward. We will be voting in favour of it in second reading to allow it to proceed to Committee of the Whole so that we can ask the questions and have the debate that began today at second reading.

**Speaker:** If the member now speaks, he will close debate.

Does any other member wish to be heard?

**Hon. Mr. Clarke:** Perhaps in reverse order, I thank the Leader of the Official Opposition for his two observations. Certainly, I imagine that this will be part of the discussion in the Committee of the Whole process, including cosmetic surgeries and what the definitions of cosmetic surgeries are with respect to animals in the Yukon. Then, of course, I don't disagree that it has likely been contentious in other Canadian jurisdictions to outlaw — well, the highest profile would be outlawing certain breeds of dogs, which has likely been met with some fairly significant pushback in some jurisdictions. So, thank you for those comments and I look forward to that conversation.

The Member for Lake Laberge has a lot of concerns. I certainly do look forward to discussing those. I can certainly assure the member opposite that I am concerned about all legislation being Charter compliant. We will continue that conversation as to the background work that has been done to

ensure that all elements of the new *Animal Protection and Control Act* are Charter compliant, as with the *Criminal Code* and the new children's act.

There are always provisions for exigent circumstances. What are exigent circumstances? How much power should the RCMP have? Those are always open questions. I dealt with the balancing of that for the better part of 25 years.

I certainly look forward to that conversation, and thank you to the Member for Lake Laberge for providing his perspective. We will certainly have those.

On a lighter note, I am almost certain that chickens don't need to be permitted, but I take the member's point. He asserts that there may be an element of absurdity with respect to that section of the legislation, but I look forward to that conversation as well.

Obviously, an entire Cabinet is tasked with making regulations, so we can talk about that as well — as he well knows from when he was in that position in a prior government.

I will provide some closing comments, and then we can move to a vote on second reading and hopefully move this forward to Committee of the Whole at some point in this Fall Sitting.

The Yukon's current animal protection and control legislation is outdated, resulting in low animal welfare standards and significant gaps and challenges around enforceability of animal control laws in the territory. To date, this has led to high-profile and possibly preventable deaths in Yukon communities as well as ongoing concerns around public safety, control of feral animal populations, and standards for animal welfare. A new, modernized and comprehensive legal framework for managing animals will achieve objectives that are only possible through statutory changes that cannot be made through regulation or policy approaches.

Changes to Yukon's animal protection and control laws are required to address the ownership of animals, enforcement of animal control, animal welfare, the regulation of animal organizations, containment standards for livestock, and the management of feral animals and escaped livestock.

Public input across the territory demonstrates substantial support to improve welfare standards and to set control requirements for animals. Yukon First Nations and communities are supportive of improving and, where possible, jointly enforcing new standards in communities. Boarding facilities, pet stores, and animal rescue organizations are supportive of regulating the operations of these organizations. As indicated by my colleague, the Minister of Energy, Mines and Resources, the agriculture industry wants recognition that they meet national standards of care and control for livestock.

Animal-related operations such as pet stores, animal rescue organizations, and boarding facilities will be regulated for the first time. Permits will now be required to operate and may be subject to conditions. Existing operations will have one year from the date the act comes into force to obtain their permits. Animal protection and control officers will have the ability to complete inspections of operations to ensure compliance with permits. Permits are only required for those animals prescribed as "restricted" under the animal protection and control

regulations. If there was a particularly pernicious or nasty chicken, perhaps they might come under that. I jest.

These regulations are under development and are not expected to come into effect until the spring of 2023. Those exotic pet species that are prescribed as "restricted" have higher requirements for care and control. Owners of animals prescribed as "restricted" will have one year from the date that the regulation comes into force to obtain a permit under the act.

I think, finally, to answer the question from the Member for Whitehorse Centre, the slaughter of animals without prior or simultaneous loss of consciousness may be approved when the killing is for the purpose of religious ritual slaughter to produce halal or kosher meat, and it is carried out in accordance with the federal guidelines for the ritual slaughter of food animals without pre-slaughter stunning. My understanding from the department is that we have reached out to the Muslim and the Jewish communities in the Yukon and we will, I hope, when we return to Committee of the Whole, be in a position to advise of the results of that consultation.

As members of this Assembly have indicated, this legislation is comprehensive; it is long overdue. It will involve, if passed, the repeal of various outdated acts, so I certainly understand that there are questions. It may well be that, in Committee of the Whole, we will delve into many of the issues that have been raised by the members opposite. We look forward to those discussions. Right now, I look forward to this bill coming for vote at second reading and proceeding to the Committee of the Whole process.

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

**Some Hon. Members:** Division.

#### Division

**Speaker:** Division has been called.

#### Bells

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

**Hon. Mr. Silver:** Agree.

**Hon. Ms. McPhee:** Agree.

**Hon. Mr. Streicker:** Agree.

**Hon. Mr. Pillai:** Agree.

**Hon. Mr. Clarke:** Agree.

**Hon. Ms. McLean:** Agree.

**Hon. Mr. Mostyn:** Agree.

**Mr. Dixon:** Agree.

**Mr. Kent:** Agree.

**Ms. Clarke:** Agree.

**Mr. Cathers:** Agree.

**Ms. McLeod:** Agree.

**Ms. Van Bibber:** Agree.

**Mr. Hassard:** Agree.

**Mr. Istchenko:** Agree.

**Ms. White:** Agree.

**Ms. Blake:** Agree.

**Ms. Tredger:** Agree.

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

**Speaker:** The yeas have it.  
I declare the motion carried.  
*Motion for second reading of Bill No. 20 agreed to*

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

The matter before the Committee is continuing general debate on Bill No. 17, entitled *Clean Energy Act*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

### Bill No. 17: *Clean Energy Act* — continued

**Chair:** The matter before the Committee is continuing general debate on Bill No. 17, entitled *Clean Energy Act*.

Is there any further general debate?

**Mr. Kent:** Thank you very much, Madam Chair, and I would like to take this opportunity to welcome the officials back to the Chamber here today to support the minister during Committee of the Whole on the *Clean Energy Act*.

Before I get back into going through some of the key Government of Yukon actions that are in *Our Clean Future*, there was something that we talked about at the end of the day yesterday that I want to explore further with the minister. It is a policy question around the carbon tax revenues and what will be done with them. As I mentioned yesterday, in the report that was presented by the Climate Leadership Council, there were actually a couple of bullets. We talked about recommendation C9, which is: “Using a portion of the carbon tax proceeds to establish a business incentive fund for private sector low-carbon projects...” But there is also C5 — we didn’t mention this yesterday, but I will today — that also has impacts on carbon-pricing rebates where it says — and I quote: “Allocate revenues collected from carbon pricing greater than \$50/tonne to fund...” — greenhouse gas — “... reduction projects and provide targeted support for vulnerable sectors and populations...”

As we know, the original commitment from the federal government was to go to \$50 per tonne, which I believe we will be at next year. Since that time, they have decided to increase it substantially beyond that amount for the carbon tax. I will

note that when I mentioned to the minister that I would like to have a conversation about this, he did have some words with respect to it. I will quote him from the Blues from yesterday, where he says — and I quote: “Look, I think the principle we’ve always adhered to is that we wouldn’t grow government with the rebates. You know, if the chamber came to us and made this suggestion, and if they were willing to try to use a fund like that, then I think, as long as it adhered with our overall principle, then I think it’s a conversation we could have. We’ve not had that conversation.”

There are a couple of issues that I take with that. That is a pretty significant departure from the government’s current commitment and the one I highlighted yesterday from their 2016 platform, which was to ensure all carbon revenue collected in the Yukon will be returned to Yukon and rebated to Yukoners. I think that is a significant departure from what the government has been saying, so I am curious what the minister meant by that. Is he willing to accept recommendation C5 and C9, which would be a departure of the current commitment by the Liberal government to return carbon taxes to Yukoners through rebates?

**Hon. Mr. Streicker:** Like my colleague, I would like to welcome back to the Assembly directors Rebecca Turpin and Shane Andre to assist today.

I am going to respond to the member opposite’s question and follow-up. I was hoping to anyway, but I will also provide one more piece of information, which was asked for toward the end of our discussion yesterday, and it’s around what the modelling is on the carbon price. At \$50 a tonne — which we are at right now, by the way, so it’s not next year; it’s this year. From April 1, 2022, we are at \$50 a tonne. The modelling estimates about 12 kilotonnes of reduction. Also, though, it’s important to understand that if the carbon price goes up, as is now anticipated, we would remodel those numbers again, because originally, it was modelled to \$50 a tonne.

It’s also important to understand that we now have a piece of legislation in front of us where we would start running the carbon price, and potentially, the rebate, with the bill that’s before us. So that would also indicate a change, and we would have to model that.

I said yesterday that we would look at it. What I should say is that we are looking at every one of the recommendations, including C5 and C9, that come from the Climate Leadership Council, so we are going to put them through their paces, both from a modelling perspective and then from the perspective of what they might cost out at, and who would take responsibility, and whether they are a good bang for the buck sort of thing. All of those things are important, and so we would do that analysis, because we asked this group to make an effort, which they have done, to bring us recommendations, and it is our job now, I think, to work through each of them.

To go back to the 2016 platform, and what we committed to Yukoners here in the Legislature over time, was that we would rebate 100-percent of the carbon price and that it would go to — my recollection is — Yukoners and Yukon businesses. So that is, I believe, in all of our debate that we had here in the

Legislature, that is where we landed, and I think that is where we are staying.

If this were some sort of way in which the rebate got back to Yukoners and/or Yukon businesses, it would need to stay within that old framework — my understanding of it — that it would stay within the framework that it would be a rebate toward Yukoners and Yukon businesses. I think what the leadership council is suggesting is that you could do something more with that rebate to try to make it an incentive. That is a question that we would need to explore, but I think that we would always maintain our position that 100 percent is being rebated to Yukoners and Yukon businesses.

**Mr. Kent:** So, I guess — I mean, I still see implementing or accepting these two recommendations as a departure on how the carbon tax is currently rebated to Yukoners and Yukon businesses. Obviously, we are not getting back every dollar that we spend. Some individuals are, perhaps — we will use the example of somebody living in a condo in downtown Whitehorse who is able to walk to work, and who is getting the same portion as somebody who lives in a country residential neighbourhood who doesn't, perhaps, have electric heat and has to drive to work every day. So, I mean, they are getting the same amount, but that said, those dollars are being returned to Yukoners, and as the minister said, Yukon businesses.

I think that recommendation C5, which would be to allocate revenues greater than \$50 per tonne to greenhouse gas reduction projects, and provide targeted support for vulnerable sectors and populations, certainly would be a departure from what the Liberals have committed to, and what they have been saying all along when it comes to these revenues, as well as the establishment of the business incentive fund.

Interestingly, as I mentioned earlier, yesterday, the minister said that if the chamber — I'm assuming he meant the Chamber of Commerce — came to us and made the suggestion, and if they were willing to try to use a fund like that, then I think — as long as it adhered with our overall principle, then I think it's a conversation we could have.

But, curiously, five years ago, in March 2017 — I guess five and a half years ago — the Yukon Chamber of Commerce did come to the government. They wanted a third-party organization to manage carbon pricing in the Yukon, instead of the federal government. The former Minister of Energy, Mines and Resources told the *Yukon News* on March 10, 2017: "The commitment is that we'll give back the dollars that we receive from individuals and businesses... The reason that we were elected is that (people) were comfortable with the position we took." Later on in the article, he goes on to say — the minister at the time "... also said the idea of creating an independent trust to manage the funds is "not something that we're interested in at all."

I'm just curious if the current minister can explain what has changed since this time, when the Chamber of Commerce did come forward with an idea, to now where he is considering setting up something with respect to this business incentive fund, based on a recommendation from the Yukon Climate Leadership Council.

**Hon. Mr. Streicker:** I will state again, so that I'm absolutely clear, that I don't think we are changing from our commitment to return the dollars to Yukoners and Yukon businesses. That is where I think we're going to remain. I also believe that we have a commitment to review each of the recommendations that have been made by the Climate Leadership Council and to explore them in their fullness.

I remember when the Yukon Chamber of Commerce made that very suggestion to us, and I remember us giving it some consideration. I think we're being asked to just take another look at it. Happy to take another look at it and see what those possibilities are. I'm saying here that we have a responsibility to take that look. I'm also saying that we will stay with the principle of making sure that all the dollars are returned to Yukoners and Yukon businesses.

**Mr. Kent:** I guess I don't want to belabour this, but by taking a look and possibly accepting those two recommendations, I think that is a departure from the current practice and the long-held practice of the Yukon Liberal Party, which is to return these rebates to Yukoners and Yukon businesses through the rebate model that is set up with the federal government. I guess I am not convinced. The minister says that he's still looking at it. He did mention, as I mentioned earlier, that if the chamber came to them with a similar suggestion, it was a conversation that they would have but, as I mentioned, the former Energy, Mines and Resources minister at the time said that it was not something that they were at all interested in.

So, I am just kind of curious why, five years ago, we were able to be so steadfast in rejecting this plan, but now that it comes in this form, the minister is still willing to take a look at some sort of different model for returning carbon tax proceeds to Yukoners.

**Hon. Mr. Streicker:** Whenever the Yukon chamber or the other chambers come to me with suggestions, I will, of course, always try to look at them. We had a debate earlier today about listening to Yukoners. I think that it is important to consider these things. I have said on the floor, and will say again, because I'm not sure that it is being heard, that my belief is that we will stay with our commitment to return 100 percent of the carbon rebate to Yukoners and Yukon businesses. Let me be very clear, in the current structure, some of it goes to our municipalities and some of it goes to First Nation governments. That exists there under the carbon-price rebate act. That is what we will continue to do.

If there is no opportunity to stay within that, then we will reject the suggestion, but we will always do our diligence and take the time to work through all of the recommendations that are presented to us and to meet with the chamber to hear their suggestions and see what we can do within them.

So we are going to hold that policy, and we will continue to consider suggestions that are coming forward. If they can fit within the policy, terrific; if they can't, then we will reject them.

**Mr. Kent:** Just to be clear with the minister, that request for the Yukon green energy trust from the Yukon Chamber of Commerce was in March 2017, so I am not sure if they are currently interested in it. I haven't spoken with them about it,



but when you mentioned that yesterday, it jogged my memory of that particular request that the chamber made at the time. As I said, I am not sure if that is still their position or not.

Just before we leave this and get back into some of the key government actions with respect to *Our Clean Future*, these two specific recommendations — I guess what I am looking for from the minister is a commitment to continue to rebate carbon tax revenue to Yukoners under the same model in which it is being done now, and that other models — he has mentioned Yukoners, Yukon businesses, municipalities, First Nations, and others, but I just want to make sure that this model is still going to be the model that we proceed on. As I said yesterday and earlier today, the former minister mentioned to the *Yukon News* that this was the promise that they got elected on in 2016, so if the government is going to deviate from that model or that promise, I just want to confirm that and make sure, on the floor of the House, that we can tell Yukoners that the current model will be continued going forward, in spite of these recommendations from the Climate Leadership Council — these two specific recommendations.

**Hon. Mr. Streicker:** Again, I will rise and I will confirm that our intention is to continue to use the model. In fact, we have a bill in front of us now that has seen first reading, and I look forward to second reading and, hopefully, Committee of the Whole. I hope that the members opposite will support the bill. It is talking about changes to the *Yukon Government Carbon Price Rebate Implementation Act* that would protect the rebates going to businesses in particular. I look forward to that debate, so we are affirming that and we will continue to affirm that.

**Mr. Kent:** We look forward to debating the other bill — the carbon tax rebates — when it comes forward as well. As the minister said, it has gone through first reading and second in Committee and third to come.

I do want to now go back to some of the key Government of Yukon actions. We started the discussion briefly at the end of the day yesterday with respect to energy production.

The first government action under that is to require at least 93 percent of the electricity generated on the Yukon integrated system to come from renewable sources, calculated as a long-term rolling average. Can the minister give us a sense of where we are at right now as far as the renewable generation on the current system?

**Hon. Mr. Streicker:** We run it as an average over several years, because we do get years —

I know Yukoners may not believe this, but we do get years when there is low precipitation and low snow. We certainly have not seen that in the last couple of years, but previously, we did have a few drier years and those change the reservoirs, but the average that we just put out in our update is over 95 percent currently.

Just to make that clear, the long-term average of the percentage of our energy produced by renewables for electricity is over 95 percent.

**Mr. Kent:** Does the minister have a number that is not calculated as the long-term rolling average? In the most recent data or the most recent snapshot that the minister has, how

much of our electricity is currently being generated from renewable sources on our grid?

**Hon. Mr. Streicker:** I know you are saying: What is the number? You know, you have to answer the question: Are you looking for the past month, the past year, or the past day? Because these numbers change all the time. So, for 2021, the number was 92.4-percent renewables; that's the 2021 number.

Yukon Energy publishes this all the time. They put up on their website what it is for, I think, the most recent day, and certainly the most recent week and month, so there is always a way to get the number for Yukoners. It is freely accessible.

**Mr. Kent:** Just for clarification, does that Yukon integrated system include communities like Watson Lake and those along the north Alaska Highway and Old Crow that are not connected to the grid, or is it just what is powering the grid? Just for clarity's sake, I am just curious if the minister could let us know.

**Hon. Mr. Streicker:** It is the grid. That number is the grid.

Just to be clear — from Teslin to Haines Junction, and Carcross to Dawson.

**Mr. Kent:** I am not sure if the minister will have this number or not, but do we know what the greenhouse gas emissions are from electricity generated in the off-grid communities? The ones that I mentioned in my previous question — Watson Lake, those on the north Alaska Highway, and Old Crow.

**Hon. Mr. Streicker:** Of course our utilities know how much fuel they are using to generate electricity in the off-grid communities. I can investigate to get a number and try to present it in a way that gives an indication of, year over year, what that looks like, but those are, of course, emissions that we have in the territory. Our utilities that generate that electricity know very well what fossil fuels they are using to generate that electricity.

I should acknowledge that in Old Crow — at least partly — we have the solar array now, which reduces that amount year over year.

**Mr. Kent:** The next key Government of Yukon action is to install renewable electricity generation systems in five Government of Yukon buildings in off-grid locations by 2025. Is there an update that the minister can give us on this commitment? Which buildings have had them installed, and how much electricity are they generating? If he knows where they are installed, that would be great.

**Hon. Mr. Streicker:** I believe that the Minister of Highways and Public Works talked about these yesterday a bit. He certainly has talked about them in the past.

Two contracts have been awarded to Solar Ray Systems at the Klondike and Ogilvie grader stations. They are anticipated to offset more than 100,000 litres of diesel fuel each year and reduce emissions by 280 tonnes. In addition to those, Highways and Public Works is moving forward with solar array projects at the Tuchitua and the Blanchard grader stations. Tenders are coming up. Those are the ones that are underway right now.

**Mr. Kent:** I appreciate that. I thank the minister for that response. I had forgotten about the grader station solar arrays.

Perhaps just on that topic a little bit, how much of the annual electricity is this expected to offset with the installation of these? Obviously, there will still be the requirement for generating on-site with diesel, so I am just curious how much they anticipate how much power — if the minister knows — those solar arrays will offset in those locations? Just an average — I don't need it broken down by location.

**Hon. Mr. Streicker:** I will endeavour to investigate that further. It's a very specific question. What I can say is that, on sites where you have dedicated diesel, then usually the penetration is pretty good. A simple example again is Old Crow. In the wintertime, you are going to need the diesel gensets, but in the summertime when you have lots of sun, you can generate quite a bit with those arrays. They are sort of sized in order to try to make sure that they are reducing as much as they can for that time.

**Mr. Kent:** So, the next key Government of Yukon action under energy production is to continue to provide financial and technical support to Yukon First Nations, municipalities, and community organizations to undertake community-led renewable energy projects.

If the minister can clarify: Is this part of the independent power producers, or is it that, as well as a combination of other renewable energy projects that are happening in our First Nations, municipalities, or being undertaken by community organizations?

**Hon. Mr. Streicker:** There are a few actions here where we are working with our First Nation and municipal governments. The one under E6 is mostly talking about renewable energy, but we do have other ones that talk about biomass and retrofits. So, if I think about all the ways in which we are working with First Nation and municipal governments, there is a suite of ways in which we help them. I can say that we have supported 15 renewable projects right now under the Innovative Renewable Energy Initiative and the Arctic energy fund. There is also an energy purchase agreement. I know that we have been doing some biomass work, so there is a range, but the action item that the Member for Copperbelt South was referring to is really about the renewable side of it, but again, there are others that we have been doing with communities as well.

**Mr. Kent:** Does the minister have an idea or can he provide a number with respect to the level of financial investment provided underneath this key Government of Yukon action so far?

**Hon. Mr. Streicker:** This year's investment in the Innovative Renewable Energy Initiative is \$2.5 million.

**Mr. Kent:** So it's \$2.5 million for this year. Are there any numbers from previous years as well? Did this financial and technical support just begin in this fiscal year?

**Hon. Mr. Streicker:** The Innovative Renewable Energy Initiative has been going now for four or five years. It has been well subscribed is my understanding. I think that it has been a couple of million dollars per year. I would have to check back to see the full investment, but I think that there have been similar orders of magnitude of investment since it began. I

would have to check on which year it came into effect, whether that was 2017 or 2018.

**Mr. Kent:** I thank the minister for that.

The next action here is to develop a framework by 2022, so this year, for First Nations to economically participate in renewable electricity projects developed by Yukon's public utilities, so has that framework been completed, and is it a public document that we can access somewhere?

**Hon. Mr. Streicker:** In responding to the previous question, I can indicate that the Innovative Renewable Energy Initiative has been in place now for five years — since 2017.

In response to the question that was just posed, the Yukon Development Corporation is working on a road map to help Yukon First Nations navigate how to participate in utility development of renewable electricity projects. I think the intention is to get that in First Nations' hands by the end of this year.

**Mr. Kent:** So the road map that the minister just mentioned — that is this framework that is identified in this particular Yukon government action? Just to remind the minister, it does say that it will be ready by 2022. So, I guess, if it's not presented to First Nations until the end of the year, would we expect it to be about a year late then — sometime in the 2023 calendar year — to be completed?

**Hon. Mr. Streicker:** Yes, this is the framework. I will just confirm that — I believe it was to be ready in 2022, but I will just confirm that.

**Mr. Kent:** On the website, under energy production, it says to develop a framework by 2022. So this is one of the key government actions. So, is the minister confirming whether or not this key government action has been done, or — I mean, when are we expecting this to be completed, I suppose? I mean, obviously, this is an important part under the energy production piece to get us to the goals that are identified in the legislation before us.

**Hon. Mr. Streicker:** Thank you to the Member for Copperbelt South. Yes, this action says that it will be done by the end of this year, and we are working to have it done by the end of this year.

**Mr. Kent:** We will look forward to checking back in with the minister on progress on that particular framework.

The final key Government of Yukon action under energy production is to improve modelling of the impacts of climate change on hydroelectricity reservoirs by 2021 and incorporate this information into short-, medium-, and long-term forecasts for renewable hydroelectricity generation. I guess that the obvious question is: Was that improved modelling completed last year, in 2021, and has the information been incorporated into these forecasts for renewable hydro generation?

**Hon. Mr. Streicker:** I can confirm that, in 2021, the Yukon Energy Corporation completed this action about the impacts of climate change on the water reservoirs, and so, that work was completed.

**Mr. Kent:** Just as a quick follow-up question on that is that I am sure that information is quite technical, but is it available on the Yukon Energy Corporation's website, or is it publicly available somewhere?

**Hon. Mr. Streicker:** I will have to inquire with the utility, but I am sure that if there is an interest in seeing it, I am happy to try to get it for folks. It is a fairly technical thing. I don't think it was intended to be an outwardly facing document, but there is no — anyway, I am sure it's a very technical report.

**Mr. Kent:** I appreciate that. For those who would like to take a look at that, the minister has committed to determine whether it is on the website or not.

I do want to jump back now to some of the key projects in the Yukon Energy Corporation's 10-year renewable electricity plan. We talked briefly at the end of yesterday about the battery storage project that is currently — the land has been cleared at the top of Robert Service Way. The minister indicated yesterday that Yukon Energy Corporation is still projecting the cost at \$35 million. In his remarks, he also said that obviously we have seen costs go up across the country and across the board on a number of different things, but he said that, when Yukon Energy Corporation put in for this bid, they put a rider on the contract that said that, if there were increases, the proponent would get dinged a bit — or "penalized" is a better term, as he said in Hansard yesterday — so they put in some protection there. I am hoping that the minister can elaborate a bit on that cost protection rider that has been put into the contract to help ensure that we keep this thing as close to the \$35-million budget as possible.

**Hon. Mr. Streicker:** Yukon Energy Corporation put some mitigations in place in the contract, the most substantial being that there was a requirement for the battery supplier to incur 50 percent of any price increases relating to materials for the batteries.

**Mr. Kent:** The way I understand that is that we will essentially share equally in any cost overruns with the supplier. Is that correct? Am I understanding that correctly?

**Hon. Mr. Streicker:** Sure, but it also indicates that there is a significant incentive for the supplier to keep the costs low because they don't want to incur those costs at all.

**Mr. Kent:** I thank the minister for that commitment yesterday — that the budget and the cost is still coming in at \$35 million.

Yesterday the minister said that, with respect to timing, the initial hope was to have the project completed by the coming spring, but he had heard from Yukon Energy that this has been pushed out — but they are still anticipating that those batteries will be up and running a year from now. Is that the timing then? We are expecting them to be operational in the fall of 2023?

**Hon. Mr. Streicker:** The current timing is projected to be in service in the fall of 2023. I am not sure of exact dates right now, but roughly around this time.

I want to note that, when Yukon Energy did the budget for this, they of course not only put in the price for the bid itself, but they also put in contingencies. So, if there are cost overruns — and the first place you turn to is within the contingency, which would still keep the project on budget, there is some latitude there — it's not unlimited — but I think it's important to note that typical budgeting processes would allow for some movement in the prices.

**Mr. Kent:** Some of the other projects that are under development, we have already touched on, like those electricity purchases from the independent power producers. I am pretty familiar with and know the impact of the microgeneration program. I guess maybe I would just ask the minister is: How many current subscribers do we have to the microgeneration program, and does the minister have an idea of the cumulative investment in that program since it came in a number of years ago?

**Hon. Mr. Streicker:** To date, this action — the microgeneration program — is overperforming against what we had projected, so we have just under 7,000 participants. We are currently, as of 2021, up to about 5.9 megawatts and we had targeted seven megawatts by 2030, so this one is actually doing much better than we originally anticipated.

**Mr. Kent:** I thank the minister for that and congratulate the officials at the Energy Solutions Centre on those numbers. They are certainly something to be proud of here in the territory. I know this was brought in a number of years ago. Again, congratulations to officials there for making it such a success.

I do want to talk about some of the planned projects based on approvals. One of the ones that is listed here is the Southern Lakes and Mayo enhanced storage projects. Can the minister give us any updates on those? Obviously, there has been concern in the Southern Lakes for the past couple of years with rising water levels in that system. I am just curious if the Southern Lakes enhancement is still on the books to go ahead and if he can give us an update on the Mayo enhanced storage project as well.

**Hon. Mr. Streicker:** I should say that neither of these projects have been approved to go ahead. I would suggest that they are in the exploratory phases. Both projects are now considerations within the relicensing projects — one for the Mayo relicensing project and one for the Whitehorse relicensing project. Because those projects are very similar to the types of questions and considerations that are in front of First Nations and the public around the relicensing questions, they were attached to be considered at the same time.

**Mr. Kent:** I'm sorry if I wasn't clear off the top. I thought I referenced these as planned projects that were based on approval — so recognizing that those haven't been approved yet. I guess, just to be clear, those won't be approved as stand-alone projects. They are now tied to the relicensing of both the Whitehorse Rapids dam and the Mayo dam — is that correct? Is that what I am hearing from the minister?

**Hon. Mr. Streicker:** If I can just walk back a little bit, a moment ago I talked about the microgeneration program and it was up to 5.9 megawatts. It is actually 6.6 megawatts. I just got an update from the department, and thank you to officials for getting me that current information.

I will say that the enhancement projects, which have a lot of questions and debate about them, are there to be considered. I look forward to that dialogue as it unfolds over the next year or couple of years around the relicensing projects. They are similar projects in that they both have an impact on the water levels, which we use for those hydro facilities. I don't think that

they are the same project. I just think that they are being considered at the same time.

**Mr. Kent:** The next planned project here, based on approvals, is the incremental diesel replacement. Can the minister give us an update on where we are at with respect to that? We are essentially coming up on three years past when this draft was initially presented in January 2020. I am just trying to get a sense of where we are at with the incremental diesel replacement. Again, this is under planned projects based on approvals. I am looking for an update from the minister on that.

**Hon. Mr. Streicker:** I want to be very clear when talking about these diesels. We have an electrical grid that is not connected to the national grid. As such, we always need to have some way to provide backup should we hit a power outage. We are well aware, as Yukoners, about those occasional power outages. Again, thank you to our utilities for always working to get us back up and running. We had a big windstorm a couple of weekends ago and lots of power outages, and lots of folks were working to get those back up.

Those backup diesel generators always need to be in place; therefore, they are the type of diesels that we invest in and own. There are other diesels that we use to top up our electricity. We are working to displace those diesels. For example, the battery project that we were talking about earlier would displace four rented diesels. Atlin would displace another four. When we replace our aging backup diesel generators, what is typical is that we get more efficient generators at the same time. They just run better and produce more energy. You need few of them, so you actually also displace some of your rentals. I think that the replacement project will displace two rented diesels.

I think that we have 12.5 megawatts of replacement diesel generators ordered, and that includes five megawatts in Whitehorse, five megawatts in Faro, and 2.5 megawatts in the Callison subdivision in Dawson. I hope that is the information the member opposite was looking for.

**Mr. Kent:** Let's focus in first on the incremental diesel replacements. My understanding, in looking at page 5 of the 10-year renewable report — so those ones that are going to be replaced are Yukon Energy's dependable diesels. To me, that provides not only backup, as the minister was suggesting, but it also probably provides some baseload, particularly in the winter. So it's not just when the hydros go down or that type of thing. Am I incorrect in assuming that — that these dependable diesels are the ones that will be replaced? The minister referenced 12.5 megawatts so far being replaced. How much do we need to get to — or what energy production are we looking to get to when that incremental diesel replacement is fully completed?

**Hon. Mr. Streicker:** Yes, the member opposite is correct that you can use your dedicated backup diesels, as well, to produce top-up. That is possible, and the plan was — for this planning period — to replace 12.5 megawatts, which is what we have on order.

**Mr. Kent:** So, just to be clear, that 12.5 megawatts — that is the full amount that needs to be replaced, or is there going to be another replacement window coming, where we'll

replace additional generating capacity from these Yukon Energy dependable diesels?

**Hon. Mr. Streicker:** This was the specific plan and what was anticipated over the next several years. We don't have other replacements planned at this time. That doesn't preclude if something went wrong with an engine in the future that I can't anticipate, of course, we would deal with it, but this is to replace diesels in the existing fleet that we have either effectively retired or are scheduled to be retired in the next several years.

**Mr. Kent:** We talked about the temporary rented diesels. I noticed on my drive in today that a couple of new ones had shown up at the Whitehorse power plant. I am curious what the number is that we will be looking at for temporary rented diesels for this winter. How many will be located in Whitehorse and how many will be shipped off to Faro?

**Hon. Mr. Streicker:** The anticipation is to have 17 rented diesels this winter, which is the same as last year.

**Mr. Kent:** Can I get the number in Whitehorse versus the number in Faro? Will that be the same as last year? If the minister could confirm those numbers, that would be great.

**Hon. Mr. Streicker:** It will be the same as last year — 10 of the 17 will be here in Whitehorse and seven in Faro.

**Mr. Kent:** I have been looking at the outlook — actually, it is 2035-36. Again, that is published on page 5 of this Yukon Energy plan with respect to their 10-year renewables. It looked like, in 2021-22, we were anticipating that the demand-side management programs would fill one of those capacity gaps. Again, that is one of the planned projects that is listed here on page 6 of that same document. Is the minister able to give us an update? Are those demand-side management programs in place, and are they meeting the amount of generating capacity that is set out in this plan by Yukon Energy? It is the Yukon Energy Corporation *electricity for 2030 An introduction to Yukon Energy's draft 10-year renewable electricity plan*, January of 2020.

**Hon. Mr. Streicker:** Thanks to the member opposite. I am reading from a fuller report than he has, so my pages are not lining up the way he is describing them.

Okay, with respect to demand-side management, this is where we use incentives, electricity rate structures, and building and appliance codes to try to encourage customers to reduce the amount of electricity we use. A suite of programs has been developed that will be implemented once there is regulatory certainty about allowing the future of demand-side management-related costs, so we are forecasting to provide up to — this is the difference between energy and capacity, I apologize — 6.7 gigawatt hours of annual energy and seven megawatts of dependable capacity by 2030.

**Mr. Kent:** Is any of that capacity online this year, as it was suggested when Yukon Energy Corporation first put out this report? As I mentioned, it is supposed to be in place for the 2021-22 fiscal year.

**Hon. Mr. Streicker:** So there are some programs that have been in development. I know of some that are gearing up, but the detail design of the new demand-side management programs is going to be launched in 2023. For example, we will

be bringing out what is called a “peak smart program” for residential. There are going to be a bunch of pieces to it, and I can just indicate that the main part of the demand-side management plan comes up next year, 2023.

**Mr. Kent:** So we are slightly behind, then, from what Yukon Energy had initially predicted as part of their planned projects to get into their renewable energy 10-year plan, so we are just a little bit behind that. As I mentioned, it was supposed to be in in 2021-22. It sounds like it will either be late in 2022-23, or perhaps slip into 2023-24 by the time it is approved. We will have to wait to get a sense for when that program will be in.

I do want to talk about the three bigger projects. Obviously, these are the future potential projects that have been identified by the Energy Corporation that are going to help us get to our greenhouse gas emission goals by the end of this decade. I will just go in order here for what I have in this report. So, the first one is the Moon Lake pumped storage. It is broken down into two phases, as far as filling this capacity gap. It looks like the first phase is slotted for 2028-29, and the second phase for 2031-32, or it says “possible expansion”. Moon Lake pumped storage phase 1 is scheduled for 2028-29, and Moon Lake pumped storage possible expansion is scheduled for 2031-32.

We have talked about this a number of times. Having those operational and feeding into the grid is something that is going to be a substantial amount of power generation for the territory. Essentially, it will displace, by these estimates, the need for the rented diesels.

So, are we on track for 2028-29 to have Moon Lake pumped storage phase 1 operational? I mean, there are a number of regulatory and licensing hurdles, consultation, and other things that need to occur. Is the minister still confident that we are on track to meet that fiscal year for putting the Moon Lake pumped storage into production, and essentially helping us reach the goal that we are talking about in the legislation here?

**Hon. Mr. Streicker:** If I can just back up for a second on the demand-side management stuff, we continue to have demand-side management projects and programs through the Energy Solutions Centre. They are all up and running. They continue with the utility, with Yukon Energy. They ran pilot projects ahead to do some trial runs on some of it, like the peak smart stuff. The main project starts in earnest next year, but that doesn't mean that there hasn't been work leading up to it now.

I think my answer is pretty similar around Moon Lake. The parts of Moon Lake that we are working on right now are dialogue with the Carcross/Tagish First Nation and for that matter, the Taku River Tlingit First Nation. We have had good initial conversations with those First Nations. One of the things that is important around that is something that we have already touched on, which is the Whitehorse dam relicensing. That is an important piece of this. When I have sat down with, for example, the Carcross/Tagish First Nation and talked to them directly about this, they see all of these projects as interrelated, including the Atlin hydro project, and they're very clear that they want to have some opportunity in this for them as a First Nation.

Recently, there has been dialogue between the Taku River Tlingit First Nation, who has the lead on the Atlin project with the Carcross/Tagish First Nation, using their traditional relationship — I think that it is referred to as Dakh-Ka — they have had very constructive dialogues coming from that. I think that will be needed, as well, when we get into the further planning stages of a project like Moon Lake.

What I would say to Yukoners and to the members here is that these are good, initial steps. There is a lot of ground to cover.

**Mr. Kent:** The document that I have before me suggests that, in 2028-29, Moon Lake phase 1 will be operational. That's a very important piece. That will essentially displace the rented diesels. It will hopefully drive down some of the need for the dependable diesels and potentially the dependable LNG, although that number looks like it's pretty steady throughout the years. That's an important milestone for us to hit when we are talking about what is contemplated in this legislation, which is a 45-percent greenhouse gas reduction target by 2030. Being respectful of the minister, that dialogue has started. As I mentioned, this report is coming on three years old. We have, essentially, maybe five years left before Moon Lake is supposed to be in production. I am looking for some sort of assurances from the minister that we will hit that target of 2028-29 for Moon Lake to be in production so that we can see some of the rented diesels being displaced and some of the dependable diesel generation decrease in that year, which will undoubtedly help us reach this 45-percent target that is in this legislation.

**Hon. Mr. Streicker:** A couple of things — first of all, it's 2022 now. The note that I have talks about this coming online in 2029. That is seven years away, but I think that is a short amount of time, regardless. That is a lot of work to do in that short amount of time.

I can also say that, in my experience — when I was working with the previous government on their next generation hydro conversations, I was worried that it was not going anywhere.

My worry about that was that it was not being led by First Nations — by our communities. Rather, it was the territorial government saying, “Hey, yes, we're going to go do this. What do you think?” I think this is a different conversation. So, respectfully, I think that, even here, I need to recognize that difference. The difference is that we want the projects to be the ones that are driven by and led by the First Nations themselves. So my direct dialogue with the Carcross/Tagish First Nation and the Taku River Tlingit First Nation has been very productive. That is very good work, and I think it's exactly where we anticipated we would be in that conversation. There is a lot of ground to cover, and I want to be very respectful that these projects are led by the First Nations.

So it is my approach, or our approach — and I will also say that the energy utility's work is that we work with the First Nations. A great example of that is the Atlin project. There is still a lot of work to do on the Atlin project. It is also important. So, I see these projects, like my colleague across the way, as being very important for us as a territory around this important

question of producing more renewables to deal with this transition away from fossil fuels. These are important projects, and I think we are going to do them in that way, where the First Nations are leading, and we are there to support their lead. I can say that, from where I sit, the progress is what we wanted it to be.

**Mr. Kent:** So does the minister have an idea, then, on how long the licensing, the permitting, and the environmental assessment will take place? Obviously, there are a couple of different jurisdictions involved here, with British Columbia and the Yukon. The minister said that 2029 is what his briefing notes say. I mean, what it says here in this document is that it will be in production in 2028-29. So, I'm assuming that could be the first quarter of 2029 but, you know, we're talking about six years and a few months away.

That would be my question: As the conversations with First Nation communities evolve, when would the minister anticipate getting this before the BC assessment agency as well as YESAB, the Yukon Environmental and Socio-economic Assessment Board, and how long would he anticipate that environmental assessment and then the subsequent licencing take to get done?

**Hon. Mr. Streicker:** Luckily, we have an example with the Atlin project where there is a hydro project and then a transmission line that is crossing British Columbia and then comes across the Yukon. That work — two to three years roughly is what is anticipated for the permitting side of this. Of course, there will be differences between Moon Lake and Atlin. They are also different in the sense that one is a pumped storage and one is a not-pumped storage — so it is active — but Moon Lake is a high alpine lake. One of the things I will say is that we don't even know yet whether or not YESAB is required. We will see whether that is the case. In my experience with the Atlin project, one of the major concerns was in that relationship between the Carcross/Tagish First Nation and the Taku River Tlingit First Nation. We, as a government, supported with facilitation to assist in that government-to-government dialogue, and I have been in contact with Haa Shaa Du Hen Chief Benoit and spokesperson Thom from the Taku River Tlingit.

Every report that I have received is that their mutual working arrangement has been going very well, and I think that bodes well for the Moon Lake project. As I have indicated, if we get Atlin working well, that will assist with Moon Lake.

**Mr. Kent:** I have a few questions come out of that. So, two to three years for environmental assessment and licensing — I am curious why the minister would think that YESAB wouldn't need to be involved, because wouldn't there need to be a transmission line required to get power into the Yukon? I don't want to make assumptions but I would have thought a power line would have been scoped into the project as well. Perhaps it is something separate and stand-alone under the Southern Lakes transmission network, but the minister can let me know why he believes that perhaps YESAB is not required for the Moon Lake project.

Again, two to three years for licensing — can the minister give us a sense on the procurement and construction timelines

for this? As well, an extremely important part of it is ensuring that we have the funding in place — federal funding. Has that dialogue started with the federal government yet on federal funding for this project? I know that there has been a substantial amount of federal funding allocated to the Atlin project, but have the discussions started? How much exactly would we be looking for from the federal government, inside whatever the projected budget is for that project right now?

**Hon. Mr. Streicker:** When I was talking about YESAB being required, I was referring to the pump storage piece of it. For the transmission line, yes, we would need YESAB for the portion of it where it comes into the Yukon. You have to watch around the scope of the project and whether the hydro part of the project would also require YESAB. That is what I was referring to.

We do have dialogue ongoing with the federal government. At this stage, it's around the planning phases and the prefeasibility stages, so it's not at the design phase yet. We are a little bit early to be talking about budgets at this point for the full project. We have several ways in which we are engaging with the federal government. One is sort of directly on some dollars that can go toward that prefeasibility work.

We also — I think we just came out with an announcement about this last week — have set up a coming dialogue with Natural Resources Canada at the renewable energy and resources table. This is an initiative around regional tables, and we are going to be in dialogue with the federal government. Clearly, topics like renewable energy will be part of that. Critical minerals, I'm sure, will be part of that conversation. We are just setting up dates for that in the coming weeks. There's more to come, but we are excited about the work that is in front of us for Moon Lake and Atlin.

**Mr. Kent:** I am not sure if the minister heard the question, but I am curious then, on the procurement and construction phase, how long will that take? He mentioned that the licensing and assessment phase would be two to three years. He also mentioned that we are just in the planning and prefeasibility stage with the federal government on funding right now, so there wouldn't be any design — I mean, obviously that's going to take some time as well.

How long would the minister anticipate the procurement and construction to take on a project of this scope in very much a seasonal working environment, I am sure? I am curious how long it will be to procure the project and how long the construction. He can just join those two together, if he can.

**Hon. Mr. Streicker:** Some of the work early on may be seasonal, but it may not all be. It really does depend. The procurement and construction side would be anywhere from two to four years. Look, we have always seen the project as being a seven- to 10-year project, so it definitely will take time to do.

I can say that we have been actively pursuing the project, and I think that we are at the phase we anticipated being at right now. Again, I say that I am very encouraged by the work that has happened to date, and I am looking forward to this project.

**Mr. Kent:** Is the minister able to give us what the estimated cost of this project is at this point, recognizing that,

of course, as he mentioned, it is very much in the initial stages of development?

**Hon. Mr. Streicker:** We are just too early right now with those costs, so I look forward to when we start to have more of a project fleshed out so that we could then get some estimates in place. d

I should also note that, as we are talking about some of the phases of the project itself, some of them can overlap. They don't all have to be sequential. Much of it will be in sequence, but there is the ability to overlap some of those timelines.

**Mr. Kent:** I guess the concerns with respect to some of these larger, future-potential projects are that we're not going to have them in place by 2030 to help us meet the goal that we're being asked to legislate here today, of the 45-percent reductions. As I mentioned, this Moon Lake project, for instance, is an extremely important project to help us meet those goals. As I've said, by the look of things, it will eliminate the need for temporary rented diesels, and also potentially reduce the amount of Yukon Energy's dependable diesel energy production that is set up here. I'm concerned that we're over six years — we'll even say seven years — to when we need this to come onboard, even if it's eight years to come onboard in 2030, which is when we're supposed to meet these emission targets.

Obviously, the conversations with First Nations and the dialogue with First Nations is important to be undertaken, but we have to apply for the environmental assessment. There will be licensing that has to be done as well. There could be a separate assessment required for transmission, depending on how the project is scoped out — you know, two to three years for assessment and licensing, and then another two to four years for procurement and construction, not to mention where we're at with the funding that's necessary to see this project proceed from the federal government.

I think it's an extremely important project to help us meet the goals. It's an extremely important project to help us meet the 30-percent goal by 2030 that was contemplated in *Our Clean Future* and was committed to by the Liberal government and us in our recent election platforms, but not having this project online will make it very difficult, I think, for us to reach the 45-percent goal the government is setting out in this legislation.

With that, Deputy Chair, and seeing the time, I move that you report progress.

**Deputy Chair (Ms. Tredger):** It has been moved by the Member for Copperbelt South that the Chair report progress.

*Motion agreed to*

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

**Deputy Chair:** It has been moved by the 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. 17, entitled *Clean Energy Act*, and directed me to report progress.

**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 5:28 p.m.*

### The following sessional paper was filed October 18, 2022:

35-1-64

*Government of Yukon financial accounting report for the period April 1, 2021 to March 31, 2022 (Silver)*

### The following document was filed October 18, 2022:

35-1-73

Conflict of interest, letter re (dated October 17, 2022) from Brad Cathers, Member for Lake Laberge to Hon. Tracy-Anne McPhee, Minister of Justice (Cathers)