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HANSARD

Wednesday, October 19, 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

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

OFFICIAL OPPOSITION

Yukon Party

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

THIRD PARTY

New Democratic Party

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

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**Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, October 19, 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 now proceed with the Order Paper.
Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Clarke: I would like to welcome to the House — in the gallery today from the Department of Environment — Bryna Cable, Priyank Thatte, Jennifer Dagg, and Natalia Baranova.

Applause

Speaker: Tributes.

TRIBUTES

In recognition of Occupational Therapy Month

Hon. Ms. McPhee: I rise in the House today on behalf of the Yukon Liberal government to recognize October as national Occupational Therapy Month. This month is an important opportunity to celebrate the outstanding dedication and work of occupational therapists.

Occupational therapists are highly trained professionals who help people with physical, developmental, or emotional disabilities live their lives to the fullest. It is hard to appreciate the importance of seemingly small tasks until you can't do them anymore. That's where occupational therapists can help. They help solve the problems that interfere with a person's ability to do the things that are important to them, like going to work or school, leisure activities, or even everyday self-care tasks, like getting dressed, eating, and moving around.

They are trained to not only understand the medical and physical implications of an injury, but also the psychological impacts of that injury on someone. Occupational therapists' understanding of intersectionality between the person, their environment, occupation, and relationships is rooted in their holistic, person-centred approach to health care that we know is so important.

Today, we acknowledge just some of the occupational therapy resources that are available here in our territory. Thank you to the continuing care occupational therapists working with residents in long-term care homes and home care clients in the community, delivering services to Yukoners with mobility or health constraints, and enabling them to remain as safe and as independent as possible in their home environments.

Thank you for the great work being done by the staff at Children's Disability Services that helps families who have a child with disabilities access occupational therapy and physiotherapy in all Yukon communities.

Thank you to the occupational therapists of the Yukon Hospital Corporation's medical rehabilitation services who treat patients with physical, medical, and cognitive disorders to develop or recover everyday skills so they can lead fulfilling and more active lives.

There are occupational therapists in Yukon schools who are working to ensure that students can participate in the full range of school activities. Our thanks go to all of them.

Thank you to the occupational therapists at the Child Development Centre who provide therapeutic services and support the developmental needs of Yukon children from birth to kindergarten. This work and support of our youngest Yukoners gives them the best start in life.

Thank you to the occupational therapists with the Yukon First Nation Education Directorate who provide a full range of occupational therapy services to First Nation children and youth through the mobile therapeutics unit.

Yukoners can learn about the ways that they can join to celebrate occupational therapists this month by visiting the Canadian Association of Occupational Therapists and their website.

Mr. Speaker, this work contributes every day to the quality of life for Yukoners. Thank you to all who dedicate themselves to this helping profession.

Applause

Mr. Cathers: I rise on behalf of the Yukon Party Official Opposition to recognize October as Occupational Therapy Month. This month, we celebrate the important work being done by occupational therapists throughout the Yukon and across the country. Their contributions to Yukon health care are important to the well-being of our communities, allowing people of all ages and abilities to overcome obstacles and achieve their full potential with the activities of daily living.

Occupational therapists work in a variety of settings, and here in the Yukon, that includes working in hospital and clinical settings, in government, at the Child Development Centre, in schools, as well as in private care. Occupational therapy is a specialized branch of health care and plays an important role in health care delivery. It helps people who suffer an injury, require rehabilitation support, or have a disability or condition that impairs their abilities in some way to perform their day-to-day activities.

Thank you to all who dedicate their lives to helping others in this profession. Your work is invaluable to our communities.

Applause

Ms. Tredger: I rise on behalf of the Yukon NDP to pay tribute to Occupational Therapy Month. Occupational therapists are integral members of the health care system in the Yukon. I am always amazed at the range of work they do. To give you just the tip of an iceberg of what a day might look like for an occupational therapist, I have seen them help kids stay calm and focused in class; I have seen them modify and rebuild wheelchairs; I have seen them teach adults with brain injuries how to take the bus and cook meals; and I've seen them build

specialized casts for musicians so they could keep playing their instruments as they heal from injuries.

The range of skills and knowledge that an occupational therapist is called on to know and use in their profession is so wide that there's no way they can learn it all in school. They have to be curious and resourceful and constantly adapt to come up with creative solutions for the people they work with. The field is changing every day, and I commend occupational therapists for their dedication to their continual learning.

Many of us go through our lives without thinking a lot about occupational therapists, but when the day comes when we need them, we are so grateful that they are there. Thank you to all the occupational therapists working across the Yukon; your work is so appreciated.

Applause

In recognition of Waste Reduction Week

Hon. Mr. Clarke: I rise today to pay tribute to Waste Reduction Week. This week is about celebrating our efforts and achievements, as well as encouraging new, innovative ideas and solutions to support a greener territory.

We are incredibly fortunate to call the Yukon home and share responsibility to preserve the pristine wilderness that we know and love. The obligation to protect the environment from human impact does not just fall to one sector, government, department, or industry. It is a collective effort.

Canadians generate nearly one metric tonne of waste per person per year. This is among the highest waste generation in the world. One way that we are addressing the issue of waste in the territory is by banning single-use shopping bags. The single-use shopping bag ban came into effect on January 1, 2022, and on January 1, 2023, single-use paper bags will also be banned.

Reducing personal waste is one of the best ways that we can move toward a sustainable and cleaner Yukon. Small, individual changes like declining a plastic straw, swapping a paper cup for a travel mug, placing recycling in the correct bins, and taking our reusable shopping bags to the grocery store are steps that we can take to lessen our environmental impact.

Responsible waste management also starts before garbage ends up in the landfill. It is an effort that begins when a product is made and continues through its use or consumption and in the latter stages of recycling, reuse, or disposal. We are working with our partners to create a more efficient and cost-effective waste management system. These partners include First Nation governments, the Yukon Chamber of Commerce, the Whitehorse Chamber of Commerce, the Association of Yukon Communities, and the recycling industry consisting of 13 recycling depots and two recycling processors across the Yukon.

Together, we are exploring solutions, including extended producer responsibility — also known as “EPR” — for hazardous waste, automotive waste, printing, and packaging products. EPR is a model that shifts both responsibility and the control of end-of-life product management to those who create these products. This should lead to more thoughtful manufacturing because it will factor in production costs, as well

as packaging materials and recycling costs at the end of life. The EPR model has been implemented across all Canadian provinces.

This fall, the Yukon will become the first territory to start consultation on EPR. Yukon stakeholders will be able to offer advice and inform the development of a draft extended producer responsibility framework.

Consistent with *Our Clean Future*, we are also moving toward reducing carbon emissions from waste through organics, composting, and reducing waste-hauling distances. We will also be expanding our organics composting program to the five Whitehorse periphery waste facilities over the coming year.

Yukoners can learn about waste-diversion issues at the upcoming recycling summit open house, which will be held in Whitehorse on November 1. This event is an opportunity to learn about recycling and waste management and consider what actions can be taken to support a better Yukon.

I urge all Yukoners to think about how we can reduce waste and be better environmental stewards, not just this week, but every day.

Applause

Mr. Istchenko: I rise on behalf of the Yukon Party Official Opposition to recognize Waste Reduction Week, which has been celebrated nationally since 2001. During this week, we focus on the importance of waste-reduction components of our circular economy through exploring the recycling and reduction of waste streams, such as plastics, e-waste, textiles, and food waste. This year, the Waste Reduction Week initiative has been extended — for the first time to be recognized throughout the month of October, which is now recognized as Circular Economy Month.

While Waste Reduction Week is still acknowledged during the third week of October, we are able to focus on other aspects of our circular economy throughout the rest of the month. Topics such as the importance of clean oceans and fresh water, climate change mitigation, biodiversity protection, water conservation, and more will be discussed and championed this month. Being from a smaller Yukon community and representing a number of rural communities, I am aware of the challenges that Yukoners face with respect to waste reduction. Not everyone is located near recycling facilities — and do not have the capacity at home to store or transport recycling to a larger centre. It is certainly an important issue for all, and I would like to see all Yukoners having access to recycling and waste-disposal centres close to their homes to allow them to better manage their household waste.

So, thank you to all local organizations of volunteers involved in waste reduction and recycling and to all Yukoners who work to reduce their own household waste at home.

Applause

Ms. White: I rise on behalf of the Yukon NDP caucus to talk trash about garbage during this Waste Reduction Week. Since 1989, with the creation of Raven Recycling, recycling has been a hot topic in the Yukon. But in the last 33 years, a lot

has changed, not just in the Yukon, but around the planet. I can say with certainty that society's obsession with stuff isn't new and, if anything, is actually getting worse. Why does this matter? Well, in this day and age of fast fashion and cheaply made items that will find their way to our landfills, we have to break the cycle. We need to move beyond recycling.

Each theme day of Waste Reduction Week ties directly to us moving toward a circular economy. Products have historically been designed for convenience but with no consideration of the waste left behind. Take the plastic straw, for example. Canadians would use up to 57 million of them every day, and most went out in the garbage or were lost in the environment.

Taking a raw material, making something, using it, and disposing of it is where we are now, which is a linear economy, and frankly, this is garbage. The way to end this trash-heavy way of doing things is by moving to a circular economy where we design products so resources can be reused and reinvested in new products again and again.

So, how is this different from recycling? Well, rather than having to find a recycling solution after a product is designed and brought to market, like the plastic straw, recovery and material reuse is part of the design and manufacturing process of the product from the very beginning.

A circular economy also supports the idea of access over ownership. Streaming services like Spotify and Netflix rent access to content without you needing to own anything like CDs or DVDs. By shifting to access over ownership, the responsibility falls to manufacturers to make longer lasting and more efficient products that are designed with repair and reuse as primary considerations. Canada needs a circular economy that is restorative and regenerative by design and aims to keep products, components, and materials at their highest utility and value at all times. Recycling isn't enough on its own any longer if we truly wish to live in a zero-waste environment. We need to rethink and redesign what is bought and sold, reduce our consumption of stuff that doesn't have a long life, reuse what we can, and recycle and compost what can't be reused.

In the Yukon, we need to make sure that those on the front lines of the battle against garbage have all the tools that they need, including funding, to do the work that they do. By working together, we can tackle the rising crisis of trash and divert waste from our landfills, moving toward a circular economy and a greener and more sustainable future.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Ms. McLean: I have for tabling a document that was presented to parents by the RCMP on October 17, entitled "Summary of Findings of the Independent Review — Office of the Investigative Standards and Practices — E Division RCMP".

Mr. Cathers: I have for tabling here today two letters. Both are correspondence with the Conflict of Interest Commissioner regarding the territorial Liberal government.

Ms. McLeod: I have for tabling a news release from the Association of Yukon Communities.

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

NOTICES OF MOTIONS

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

THAT this House urges the Yukon RCMP to implement all of the recommendations of the independent officer's review of the 2019 Hidden Valley investigation.

Hon. Mr. Mostyn: I rise to give notice of the following motion respecting committee reports:

THAT the *Fourth Report of the Standing Committee on Rules, Elections and Privileges*, on the topic of gendered forms of address, presented to the House on October 17, 2022, be concurred in.

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

THAT this House urges the Yukon government to provide a public update prior to December 1, 2022 on any progress that has been made on supporting development of communications infrastructure in rural Yukon by working with the private sector to expand cellular phone coverage to people without service in rural areas, including Grizzly Valley, Deep Creek, Fossil Point, Fox Lake, Ibex Valley, Silver City, and Junction 37.

Mr. Hassard: I rise to give notice of the following motion for the production of papers:

THAT this House do issue an order for the return of documents showing the current status of all territorial and federal permitting that is required to complete the Nisutlin Bay bridge.

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

THAT this House urges the Minister of Environment and the Minister of Energy, Mines and Resources to work in collaboration with the Yukon Fish and Game Association and the Yukon Agricultural Association to explore adaptive management options in the *Management Plan for Elk in Yukon* to address the conflict between elk and agriculture in order to improve the protection of farms and provide increased elk hunting opportunities.

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

THAT this House urges the Government of Yukon to direct Yukon Housing to reassess their pest policy in Yukon Housing units and include new measures that are responsive to tenants' complaints and needs in a supportive and timely manner.

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

THAT this House urges the Government of Yukon to work with NGOs and rural food providers to address the issue of food security in the Yukon.

Speaker: Is there a statement by a minister?

MINISTERIAL STATEMENT

North Klondike Highway reconstruction

Hon. Mr. Clarke: Mr. Speaker, I would like to provide an update on the work being done on the north Klondike Highway. This highway is a vital link in the Yukon that connects our communities across the interior of the territory. It is a well-travelled route for industry and small business as well as Yukoners and tourists from around the world.

Through the federal government's national trade corridors fund, we are investing up to \$195 million for the reconstruction of the north Klondike Highway. Over the life of the project, a total of 209 kilometres between Carmacks and the Dempster Highway intersection will be completely reconstructed. These upgrades will increase safety, improve driving conditions, and better connect Yukon's resources to markets.

This work began in 2020 and will continue over the next eight years. This year, we finished approximately 46 kilometres of road between Stewart Crossing and the Dempster Highway cut-off. In the coming years, we will rebuild larger sections of the road between Carmacks and Stewart Crossing as well as between Stewart Crossing and the Dempster Highway cut-off.

I want to mention a few improvements made so far and the benefits that Yukoners will see once this project is complete.

First, let's talk about safety. We are building a better, more enduring road surface. This means improved conditions for drivers such as safer sightlines, better drainage, and fewer potholes.

However, upgrading our roads is not only about comfort and safety. This project is also linked with our climate change actions. Consider our work on bridges and culverts. We recently completed a new bridge at Crooked Creek. The bridge has improved sightlines, making it safer, but it is also built higher than the prior bridge. This means better protection against flooding and changing weather. We are doing similar work with culverts by building them larger. This is because we want the north Klondike Highway to be more resilient and better prepared for increasingly unpredictable weather.

Our work on the north Klondike Highway has significant economic benefits for the territory. Over the lifespan of the project, hundreds of jobs will be created and the highway will continue to be used to move all manner of goods across the territory.

Together, we are making the north Klondike Highway a safer and more resilient highway that will continue to serve the Yukon for generations to come. I am immensely proud of the progress that has been made so far, and I will continue to share updates as the work progresses.

Mr. Hassard: I'm happy to see the much-needed improvements to the north Klondike Highway that the minister has outlined today. Mr. Speaker, it's always great to talk about Yukon highway infrastructure here in the Legislative Assembly.

It's crucial that Yukon's highways are maintained for the benefit of all Yukoners. Yukoners use our highways to get to various communities, for work, for appointments, and for travelling in and out of the territory. They are also a vital link for the delivery of goods and services throughout Yukon. As a rural MLA, I know first-hand how important highways are to the Yukon; however, I would like to bring up a few points for the minister.

There are other areas of our highway system that are in dire need of work as well. Just yesterday, the Member for Porter Creek North asked about the condition of the Dempster Highway after getting complaints about the condition from those who frequently travel that important route. The Member for Kluane has repeatedly brought up conditions on the north Alaska Highway — or the "Shakwak project", as it's known — so I'm wondering if the minister has any plans to address conditions on either of those two highways in next year's budget.

Speaking of next year, I'm hearing that there is concern about the potential for roadwork construction altogether. I'm hearing that the government may not have the funding available to address the identified issues facing Yukon's highways, so I'm wondering if the minister can, in fact, confirm if this is true or not.

As we know, inflation has been steadily on the rise, and we see that there is no sign of it letting up. So, to help with costs, it's important to get the project tenders out the door in a timely manner. Will the minister get next year's highway tenders out in a timely manner to help address supply chain issues so contractors can hit the ground running next spring and have cost certainty with supplies?

I would also take the opportunity to remind this minister about the government's commitment regarding the release of seasonally dependent contracts.

Now, it has been years since the Prime Minister came up to announce the Resource Gateway funding and identify what roads would be built under that funding. Sadly, there has been a lack of actual roadwork done since that announcement by the federal and territorial Liberal governments. Can the minister update us on the Resource Gateway project, outside of what has been done on the Carmacks bypass?

My final query, Mr. Speaker, is about the Big Creek bridge that is currently still under construction. As we know, and as the minister has mentioned, bridges are a vital component of our highway system, and this bridge is even more important as it spans a creek crossing the Alaska Highway west of Watson

Lake. Can the minister update us on the status of this bridge and when he can expect it to be completed and in use?

Ms. Tredger: The north Klondike Highway is a critical piece of infrastructure for the thousands of Yukoners living between Dawson City and the south end of the Mayo Road. It is a long and often scenic stretch of highway that carries Yukoners and their goods on a meandering and sometimes bumpy journey.

From backcountry adventures to supporting industry, from running errands to visiting family in communities near and far, the north Klondike Highway is well-known to Yukoners. Its importance was underscored this fall when landslides closed the highway. I want to thank all the workers involved in getting the road opened quickly and the community members who rallied to provide boat rides and other supports during the closure. It is great to see a community come together like that.

I am not sure, though, why we are here rehashing the minister's announcement from more than two years ago. Is there anything new to be discussed when there are so many other pressing issues for Yukoners?

Let me be clear: The reconstruction of this highway is critical to rural Yukoners, but even those who depend on it have been disappointed with this government's handling of the reconstruction. I am talking about the unacceptable road conditions for vehicles travelling through the construction zones. I am talking about deep mud and big rocks that fly up and smash windshields. I am talking about motorcycle accidents. I am talking about people navigating treacherous conditions at night without pilot vehicles.

Reports of the highway project were so bad that many people were just choosing not to travel to Dawson at all. That is not great for a town that depends on tourists from Whitehorse and abroad. After several rough years from the tourism sector, leaving the only road to the north in such rough shape that people are avoiding it altogether for months at a time is unacceptable.

So, what is this government doing to make sure that the sections of road under construction are meeting standards for vehicles? The government needs to provide more oversight to ensure that its projects are not making life harder for locals. With this project slated to continue for several more years, I hope that the minister will ensure a higher safety standard for travellers during the construction season going forward.

Hon. Mr. Clarke: Thank you for the contributions from the Member for Pelly-Nisutlin and the Member for Whitehorse Centre. I certainly look forward to addressing the issues that have been raised during the course of this Fall Sitting, and as far as I know — perhaps on the largest issue that was raised from the members opposite — we certainly have an ambitious capital project budget being planned for the summer of 2023. Certainly, there could be intervening events, but that is where we are at, so far, as far as continuing to move the Yukon forward and to improve infrastructure all around the territory.

Mr. Speaker, improvements to the north Klondike Highway will serve Yukoners and our territory for generations

to come. This will help reduce emissions and promote greener transportation, such as the use of electric vehicles. I'm proud to say that there is now a fast-charging station in every community between Whitehorse and Dawson City. This is part of our work to make it possible to drive to all road-accessible communities in the Yukon in an electric vehicle in coming years.

The project is also helping to reduce greenhouse gas emissions by removing seasonal weight restrictions for heavy trucks. By reducing weight restrictions, trucks will be able to carry heavier loads, which reduces their number of trips on the highway. As we work to adapt our roads to face current climate issues, we are planning for the future. Mr. Speaker, currently the project is undergoing a climate risk assessment, and it will consider long-term climate change-related impacts, such as the thawing of permafrost, allowing us to plan, prioritize, and mitigate any climate risk the highway may see in the future.

Over the course of the project, it will support approximately 800 jobs for Yukoners. Some of these jobs will be filled through the Yukon First Nation procurement policy. Using this policy, we can ensure that more of the work and benefits created from this project will flow to Yukon First Nation citizens and businesses. Together, we are making the north Klondike Highway a safer and more resilient highway that will continue to serve the Yukon for generations to come.

Mr. Speaker, I know that the construction of the north Klondike Highway has caused delays for some Klondike residents, and I thank them for their patience as we move this project forward. Digital message signs have been put in place in construction zones to make sure that drivers are aware of the work being done, and we will continue to ensure that driving conditions and work areas remain safe for everyone.

I also want to thank Highways and Public Works staff for their work on this project and their continued dedication and making sure that our highways in the territory are clear, safe, and efficient to travel on.

Mr. Speaker, I do look forward to seeing this project move forward, which will make the north Klondike Highway safer, greener, and a more efficient highway for generations of Yukoners to come.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: Conflict of interest re Old Crow wellness centre

Mr. Dixon: Thank you, Mr. Speaker. Yesterday, we asked why the current Minister of Highways and Public Works did not seek the advice of the conflicts commissioner regarding the former Minister of Health's representations to Yukon government about the Old Crow health and wellness centre. In response, the minister told us that we should go ahead and raise it with the conflicts commissioner. Well, Mr. Speaker, we did just that. We wrote to the conflicts commissioner to seek his advice about whether the former minister was in conflict. The answer we received was clear: The only person who can ask for advice about whether a former minister is in a conflict of interest or not is the Premier.

So, my question is simple: Will the Premier seek the advice of the Conflict of Interest Commissioner about whether the former Minister of Health and Social Services has contravened the conflict of interest act?

Hon. Mr. Clarke: While I certainly look forward to reading the advice of the Conflict of Interest Commissioner, and I infer that the letter has been filed with the Assembly today — so I can receive that and review same and get back to the Leader of the Official Opposition after I have received that advice.

Mr. Dixon: My question is clearly for the current Premier. As I said, we wrote to the conflicts commissioner about this matter to seek his advice. Here is what he said: Section 17(b) does not provide that another member may make a request for such advice. I quote: “That prerogative, however, lies with the Premier”.

The only person who can ask the conflicts commissioner for the advice that will settle all this is the Premier. So, will the Premier write to the conflicts commissioner and ask for his advice about whether or not the former minister has contravened the conflict of interest act?

Hon. Mr. Silver: At this point, the only folks who are bringing this to our attention are the Yukon Party. I don’t see a conflict. I had no intention of going to the Conflict of Interest Commissioner on this issue.

Mr. Dixon: Section 10(4) of the conflicts act is clear: “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...”

The current minister has already admitted that the former minister made representations to the government about the project that she was responsible for as minister, so there are at least reasonable grounds to ask for the conflicts commissioner to weigh in. The only person who can make that request is the Premier.

Will the Premier seek the advice of the conflicts commissioner about whether or not the former minister is, indeed, in a conflict of interest?

Hon. Mr. Silver: This is the second session in which we’ve had this conversation with members opposite. The person in question, I believe, went to the Conflict of Interest Commissioner on their own, as well, and from our perspective, there is no conflict.

Question re: Affordable housing

Ms. Clarke: Earlier this year, on March 30, the Minister responsible for Yukon Housing Corporation was asked when the 4th Avenue and Jeckell Street housing complex would be open. The minister said — and I quote: “Just for the record, hold me to it on this answer or — okay. So, we’re looking at the end of June or mid-July...”

Since the minister specifically asked that we hold him to that date, I would like to ask the minister whether or not he kept to his word. Did the housing complex open when he said it would?

Hon. Mr. Pillai: First, I will just touch on the project. I believe that the question was concerning 4th Avenue and Jeckell Street. Again, it’s a very exciting project for us that is nearing completion. The 4th Avenue and Jeckell Street project will bring 47 units of much-needed affordable housing to downtown Whitehorse.

The project is scheduled for substantial completion this fall. I will bring to the House that we are in a challenging situation right now. Our subcontractor that has been doing the flooring work has put in flooring that is substandard. We have sought advice from the Justice department, as well, for Yukon Housing Corporation on this. We are trying to alleviate this problem, which has delayed it.

So, yes, I will say that this is on me, and we are going to try to make sure that the flooring subcontractor remedies the situation so that we can get people into this building in a very much-needed way under the current circumstances here in the Yukon.

Ms. Clarke: The minister’s commitment obviously didn’t come true, but his was not the only commitment on this project. In November 2020, the Premier said this about the 4th Avenue and Jeckell Street housing project — and I quote: “... we have budgeted \$18 million overall, and for completion, we are looking at December 2021.” Can the minister tell us if that project is on time and on budget?

Hon. Mr. Pillai: This is the responsibility of the minister who is responsible for housing — that’s me, not the Premier. Right now, the project has a budget allocation of \$21.7 million, and that takes into consideration as well our line item for cost overruns, but also takes into consideration that part of our challenge was going through COVID. We were flying in contractor staff from time to time who were not local staff on the job. We were putting them up while they were getting ready to come into work, making sure that they had that isolation period, so certainly that added to some of our costs.

Overall, I have gone through this budget on a monthly basis. It looks tight. I think that they have done a good job. We have had some cost overruns. So, again, going back to the question, no, it’s not on time compared with what we brought to the House. I think that there have been two or three different timelines.

I have gone back to the corporation and said that no, it’s not on time, compared to what we brought to the House. I think there have been two or three different timelines. I have gone back to the corporation and said that this is a very difficult thing to bring to Yukoners. We want to make sure that this gets done. We feel that the pricing and the budget has been exceptional, when you take into consideration that we had been going through COVID, while pushing to try to get this done by the end of the year. I have asked the Housing Corporation to reach out to whomever they can — whether that’s the CEO of the company — to make sure that this gets done as soon as possible.

Ms. Clarke: When the project was first announced by the former minister back in 2019, she committed that it would cost \$18 million. The Premier confirmed that amount in November of 2020. We have obtained a confidential briefing

note that shows that the budget for the project is now over \$20 million.

Can the minister tell us why this project is both late and overbudget?

Hon. Mr. Pillai: First of all, it is not a confidential briefing note. You have access to it. The critic who is reading it — it's the same note I am reading, and everybody else has access to it, so it's not confidential. The number I just read out was \$21.7 million, which is the number on the note that she has, which is the same as the note I have.

The delays are because we were in a situation with the flooring. Basically, what has happened is we have a subcontractor who put a new type of flooring in. We have to wear those decisions. The flooring is substandard. We are in this push-and-pull between: Do we rip all the flooring out and have to delay this longer when we know that there are people on a wait-list to get in? — but we know that this might be the only opportunity, based on the contract, to make sure the folks who are responsible for that cost do it.

I am asking folks to go down the middle on this and speed it up, but make sure that we do the proper due diligence on our contract review and keep the folks who have to be responsible for taking on that cost so that it doesn't go to the taxpayers.

Again, flooring is the reason for delay — COVID throughout — \$18 million originally and \$21.7 million now after the two years of COVID, which I think is pretty strong when you base that on other projects.

Question re: Bedbugs in Yukon Housing Corporation units

Ms. Tredger: Two days ago, a man came into this building to talk to the minister about bedbugs in his Yukon Housing Corporation unit. He has been living with bedbugs for months and has been unable to get the government to do something about it. The moment he came to the Liberals' offices and mentioned the word "bedbugs", they acted. Before he even left the office, signs were put on the furniture that said, "Do not sit here." Then they were vacuumed and wiped down.

If you go up there right now, you would see that those couches have all been removed. We have seen that, when it affects them, this government can spring into action. Unfortunately, when it's bedbugs in a Yukon Housing unit, that urgency is nowhere to be found.

How is it that bedbugs at the Cabinet office got dealt with in a matter of minutes, when Yukon Housing tenants wait days and weeks for help?

Hon. Mr. Pillai: First, I have to apologize to the House, because I'm not aware of this situation. So, I don't know about furniture and bedbugs in the lobby. Maybe I will ask when I go up to get briefed on that, but I can talk to you about how we're responding for our tenants.

We take infestations of bedbugs seriously, and I know some folks may not think this is a serious matter, but it is, and it absolutely affects people's quality of life. It's a tremendously horrible thing to have to deal with. What we do — so folks know — first and foremost is that, if a tenant finds bedbugs in their unit, Yukon Housing staff work with them to provide

treatment as soon as possible. If, for whatever reason, the tenant is unable to prepare the unit for treatment, Yukon Housing Corporation works with them to explore options for support and services. If no supports are available, we can hire a contractor — and yes, it has been at the tenant's cost. This is something that came up during some earlier debate last week, I believe, from the critic for the Third Party.

Again, the Yukon Housing Corporation covers the cost of the treatment, as well as two follow-up inspections later. Again, we've had these incidents, and there have been more, and I look forward to the next two questions to explain how we process these requests.

Ms. Tredger: I want to go back to that example of when tenants are being asked to pay for parts of the bedbug treatment. So, another story. A Yukon senior recently came back home after a stay in the hospital. She was looking forward to sleeping in her own bed again, but in that bed, in her home, she started to feel bedbugs crawling on her and biting her. She went to her landlord for help. Again, her landlord is not just any landlord; it's the government. It's the minister sitting across from me. When she asked for help, she was told that she needed to clean before fumigation. Right after she got out of the hospital, this government told an 86-year-old woman to get on her hands and knees and scrub the baseboards. When she said she couldn't do it, she was told she would have to pay for the prep work before the bedbugs could be treated. Almost a month later, she's still waiting for that prep work to happen.

Will the minister commit to this woman and to all these tenants that the full process of bedbug removal will be fast and fully covered?

Hon. Mr. Pillai: I think, first and foremost, the way that question was posed, there is a lack of accuracy. This question was asked of me a week ago. I went to the department and went through every single step that happened and how, in a very respectful way, we dealt with this. I'm not going to get into a back-and-forth of somebody's personal situation here.

All I am going to say is that we take this seriously. I don't think that the comments and the way it was posed give respect to the people who are working on this every day at Yukon Housing. Certainly, we responded, and I think that you can, you know, pull out a particular part of this situation and use it politically, but I am going to tell you that I went through it and we are trying to deal with it.

And when the member opposite reached out to me, I think that within 30 minutes on a text message earlier, I said: Look, we're on it, and I am going to make sure that we stay on it. Then the executive advisor I have reached right out to the president of Yukon Housing, and that has been the experience for the last six months: Anytime that I have gotten a note from the Third Party, within the day, we deal with it. I think that we have been very responsive. We think that this is a very serious matter, but please, let's be accurate when we ask these questions.

Ms. Tredger: It is true that the minister did respond to me, and I appreciate that, but the tenant herself is still waiting for a response from Yukon Housing Corporation — but let's talk about the big picture. As the Yukon's biggest landlord, this government is required to do better under the *Residential*

Landlord and Tenant Act. The bedbug issue has been going on for years. It can affect any one of us, no matter how careful we are, but solutions do exist. This government could be offering to treat everyone's belongings in a bedbug oven before they move into their unit. When bedbugs are found, the Housing Corporation could fumigate not just the one unit, but also check the rest of the building to prevent them from spreading. Yukon Housing needs to do more than the minimum.

When will the minister take systemic, effective, and long-term action to treat bedbugs in Yukon Housing units?

Hon. Mr. Pillai: Mr. Speaker, we have, throughout our time in government, as a group of colleagues, said: Look, if there is good advice or ideas from the other side of the floor, we will contemplate that and put it into action, if it seems and seems to be something that can make things more effective for our organization.

Look, I will go back to our organization and talk about what are the implications of doing an entire building or an entire floor and what are the logistics of that. Are there people who have certain mobility issues and how do we get — it's easy to come into the House and to throw that down, and I appreciate the comments and the advice. I think there is a group of people at Yukon Housing who specialize in this; I think that they do a darn good job, and I think that they look at all options to make sure that we do this in a most efficient and effective way.

So, what I will say is that I will go back — feel free to ask me the question tomorrow, if I have — and I will come back with details on what we could do to have a different approach to the process we have, but right now, what we're going to do is we are going to make sure we get there as quick as possible. We're going to be supportive and respectful to our clients, and if we have to bring in people from the private sector, which we tend to do, to work with us, we will do that.

Question re: Municipality funding and support

Ms. McLeod: Last week, the Association of Yukon Communities outlined their priorities for the Fall Sitting of the Legislature. The first item that they raised was the financial relief that they're seeking from the Yukon government to offset the impacts of COVID-19. During debate on my motion on this subject last week, the minister said — and I'll quote: "I want to be clear that I support the motion's intent to make the municipalities whole. I always have." We know that AYC has detailed the exact amounts that would make them whole.

So, will the minister live up to his commitments and make the municipalities whole by providing the relief that they requested?

Hon. Mr. Mostyn: What we're talking about this afternoon is financial support to municipalities across the territory and really supporting their aspirations to better serve their residents. I certainly am supportive of that.

We remain committed to supporting our municipalities as they emerge from the COVID-19 pandemic. Yukon's municipalities received \$4.35 million in COVID restart funding in 2021. Half of that funding was provided by the federal government and half by the Yukon government. This funding made a big difference for Yukon's municipalities and allowed

them to address revenue shortfalls, manage operational changes and challenges, and to improve their technology during the pandemic.

An additional \$754,000 is going to Whitehorse this year, half provided by the Yukon government and half by the federal government, to support transit shortfalls. The Yukon government has been working with the Association of Yukon Communities and municipalities to better articulate their needs and shortfalls and understand what the overall net financial impacts are. This work will help guide any steps forward, including consideration of future funding support. I look forward to continuing to work with AYC and that organization and municipalities to identify what funding shortfalls they actually saw during the pandemic.

Ms. McLeod: The Association of Yukon Communities has also noted that inflation has impacted them, as well as their citizens. The president of AYC said this — and I quote: "Residents across the Yukon are feeling the impacts of the unanticipated rising costs of fuel and energy ... Municipal governments have also seen their budgets strained due to these unavoidable cost increases."

We know that the Liberal government won't help communities by cutting the fuel tax, which is something that would help not only municipal governments, but each and every one of their citizens. So, what measures is the Government of Yukon considering to help municipalities address the rising cost of fuel?

Hon. Mr. Mostyn: Of course, we do know that costs are going up across not only the Yukon, but across Canada and around the world, Mr. Speaker.

I want to talk this afternoon — because this is about funding for municipalities and how they will grapple with these increased costs. The comprehensive municipal grant was reviewed in the 2017-18 year, and a funding floor was added to ensure that a municipality's grant figure never fell below its 2017 grant amount. This has led to increased grant payments in each year since 2018. This is part of how our government has moved the territory forward over the last six years.

For 2022, the comprehensive municipality grant totalled more than \$21 million in funding to Yukon municipal governments. At the request of the Association of Yukon Communities, Community Services is working to review the comprehensive municipal grant, which will provide guidance for renegotiations and renewal for 2023 and beyond.

Ms. McLeod: Finally, the Association of Yukon Communities has also made it clear that they are seeking more support when it comes to responding to natural disasters. Several municipalities have borne the direct cost to respond to natural disasters, most particularly flooding. Many of them are also considering large-scale permit adaptations to help them better mitigate natural disasters before they become emergencies.

What funding is the Yukon government providing to help municipalities respond to natural disasters and to help implement more permanent mitigations to prevent further damage from natural disasters?

Hon. Mr. Mostyn: This certainly has been an eventful couple of years. We have seen historic floods, not only in 2021 in the Marsh Lake area, during which we brought forward the Canadian Armed Forces to help with that flood relief, which was help that was especially — it was incredible, the support we got from the feds and from the Canadian Armed Forces. But we also have stepped in and helped the City of Whitehorse with many of the things we saw — the eventful slide that we had just recently on the south access, right in front of the river on the main access way into Whitehorse. We certainly provided that support. We are helping Carmacks this year. This year, 2022, was actually a worse flood year in some ways than 2021, and the small team at Community Services did an absolutely remarkable job responding to communities across the territory in their time of need and getting through a really heavy logistical challenge, getting support to all the communities that required it — from Carmacks to Ross River and all points in between.

A flood recovery plan is in place, and contracts have been issued to clean up and remove sandbags from this year's flood locations as well as last year's, and we will continue to help communities when they need it.

Question re: Opioid crisis

Mr. Cathers: Since the minister declared a public health emergency around substance use in January, the problem is still present across the territory. Even at the beginning of the year, we saw a record number of deaths as a result of overdoses, and that number has continued to rise since then.

The Yukon Party supports effective harm reduction; however, the number one priority for any action plan regarding the ongoing substance abuse crisis should be to help as many people as possible break free of their addictions.

In the spring, the minister said on numerous occasions that she would expand detox and treatment services across the territory. Can the minister tell us what she has done to expand treatment services and detox availability in the territory?

Hon. Ms. McPhee: We certainly need to face the challenge of the substance use health emergency, which was declared in January of this year. We need to face that challenge with resolve and with compassion, and we need to work — focused — on ending the stigma of substance use so the people can be supported and get the support they need.

Addressing this crisis requires leadership and coordination across all levels of government, all communities, all health care professions, and all governments in the territory and all community members. We have certainly asked and described the substance use health emergency as a call to action to everyone in the territory. We need to work together to address the substance use health emergency and to make our communities safer and healthier.

The declaration of the substance use health emergency was a commitment to action by our government and a call to action to all Yukoners, and I certainly stand by that commitment.

I look forward to providing more information, but I can say with absolute confidence that responding to this substance use health emergency is a priority.

Mr. Cathers: Declaring an emergency is not a substitute for action. The number of beds in our main alcohol and drug treatment centre is no longer reflective of our population growth from 2016 when the current Sarah Steele Building opened.

The reality is that the programs that the Yukon has in place for detox and treatment are misaligned with our growing population and the demand in the Yukon. The most recently reported number of beds in the Sarah Steele Building shows that there are only 18 detox beds and 20 inpatient treatment beds available. Does the Minister of Health and Social Services believe that this is adequate to deal with this crisis?

Hon. Ms. McPhee: The substance use health emergency, as I have noted, was declared earlier this year. Each and every loss of life is one too many. The impact of drug use — of poisoned drugs — has devastating impacts on communities across the territory. This is not something that anyone on this side of the House takes lightly. A harm-reduction approach is absolutely required.

This fiscal year, we directed \$3.4 million, investing directly into addressing the substance use health emergency, in addition to millions more offered in related programming. I should note that, since the declaration of the substance use health emergency, we formed an advisory group, which meets quarterly. The group includes community and First Nation leaders. We have increased the visits at the supervised consumption site to over 1,300 this year by installing a well-needed inhalation hood for individuals there. That is in partnership with Blood Ties Four Directions. It is precisely what the member opposite is talking about — the concept of having individuals come to a place where they can be supported and where they can learn about changing habits and drug-use habits.

Mr. Cathers: Mr. Speaker, the minister's answer focused on forming committees and harm reduction.

Reports from January of this year indicate that, in the final week of 2021, 19 people were turned away from detox due to a lack of available beds. While the government takes the time to plan and host summits, individual people are still struggling to find adequate addictions help in our territory.

In the Spring Sitting, the minister said that she would be expanding on-the-land treatment options and detox services across the territory. Can the minister tell us what, if anything, she has actually done so far to expand those services? Has she created a single new treatment space in the territory?

Hon. Ms. McPhee: I guess I need to take some issue with this idea — that the member is being somewhat dismissive of the services that are provided to Yukoners by the substance use health emergency, by whatever means the member opposite has made with respect to that. I think that it is clear that the members of the Yukon Party do not support the harm-reduction approach and that they think it is generally pointless to work with our partners — we do not.

Insured Health Services and Mental Wellness and Substance Use Services are working with Yukoners to ensure that they receive the mental health care that they need, including care if it is out-of-territory — Insured Health Services

expanded coverage for out-of-territory residential treatment centres to support Yukoners in response, specifically, to the substance use health emergency so that Yukoners can access pre-approved out-of-territory mental health treatment at approved facilities. Yukoners who wish to seek that sort of treatment may bring an application or get help from Insured Health Services.

We are keen to make sure that Yukoners have all the tools they need to sort addictions and be healthy.

Speaker: The time for Question Period has now elapsed.

Government House Leader's report on length of Sitting

Hon. Mr. Streicker: Mr. Speaker, I rise pursuant to the provisions of Standing Order 75(4) to inform the House that the House Leaders have met for the purpose of achieving agreement on the maximum number of sitting days for the current Sitting. I am informing the House that the results are that there shall be a maximum of 28 sitting days, with the 28th sitting day being Thursday, November 24, 2022.

Speaker: Accordingly, I declare that the current Sitting shall be a maximum of 28 sitting days, with the 28th sitting day being Thursday, November 24, 2022.

Speaker: We will now proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 18: *Midwifery Integration Amendments Act* (2022) — Second Reading

Clerk: Second reading, Bill No. 18, standing in the name of the Hon. Ms. McPhee.

Hon. Ms. McPhee: I move that Bill No. 18, entitled *Midwifery Integration Amendments Act* (2022), be now read a second time.

Speaker: It has been moved by the Minister of Health and Social Services that Bill No. 18, entitled *Midwifery Integration Amendments Act* (2022), be now read a second time.

Hon. Ms. McPhee: I am very pleased to present these amendments, which respond directly to my mandate from the Premier to fully integrate funded and regulated midwifery services into the health care system here in the territory. The amendments in this bill will ensure that the vision of midwifery care is set out in the regulations and standards of practice for midwives and that it is fully realized.

I think all members, I hope, will agree with me that Yukoners having access to fully funded, regulated midwifery services is something to celebrate. Our government made midwifery a priority as early as 2017. We had certainly hoped to achieve this, but the process was appropriately built and necessary. I can remember very early conversations with both the Premier and with the minister now responsible for Energy,

Mines and Resources about the importance of us proceeding with this new, fully integrated medical service.

Our implementation plan and the model of care for regulated and fully funded midwifery services is based on recommendations of local and national experts, significant research, and extensive public and stakeholder feedback gathered through an engagement process. It also aligns Yukon's approach to midwifery care with national standards and best practices, including for patient safety.

Some have asked why we do not allow midwives to practise privately. The decision to have midwives as employees — or to build that sort of a system within the Government of Yukon — was based on the realities of birth numbers here in the territory, as well as the need to provide necessary resources to support a midwifery program and to ensure its sustainability.

This was also the recommendation that we received from the Canadian Association of Midwives. In addition, an employee-based model is found in most other jurisdictions, the exceptions being the largest jurisdictions, which have much higher birth rates.

At this time, phase 1 is an employee-based model that was determined to be the best option to provide sustainable midwifery services in the Yukon. I have directed the department to proceed, as well, with a fee-for-service code in the event that registered midwives are interested in private practice.

We know from the experience of other jurisdictions that the creation and integration of publicly funded and regulated midwifery services has often taken many years. This is because it is critical to ensure that all of the needed relationships, standards, policies, and procedures are in place to ensure safe, sustainable care.

We also need to acknowledge that the last 2.5 years have been an unprecedented time of stress and strain on the health care system with the COVID-19 pandemic, and yet here we are with a midwifery clinic that opened back in early July and, as of late September, is providing high-quality care to 32 expectant Yukoners.

We have also recently welcomed a third registered midwife to the program, and a fourth registered midwife will be starting in November, just in time for the arrival of the first babies born and midwives as their primary caregivers.

These milestones would not have happened without the passionate and professional commitment of so many individual Yukoners, physicians, Yukon First Nation governments and community support, nurses, nurse practitioners, and local and national midwifery experts. There are many to thank for this work, including the members of the initial Midwifery Advisory Committee, whose important and experienced advice helped create the midwives regulation under the *Health Professions Act*, and the more recent midwifery implementation committee members who helped guide the midwifery program into development.

With the program launch, gratitude and thanks go to the physicians, nurses and nurse practitioners, First Nation health care workers, and hospital staff who are now working with the midwifery team to provide excellent care.

Mr. Speaker, we are profoundly grateful for the time and commitment of all of these professionals and individual Yukoners who have given their time to help ensure that Yukoners have access to the same high standard of midwifery care as is available across this country.

There have been questions perhaps as to why the midwives regulation was brought into force almost a year and a half before the launch of the services. It must be understood that local and national midwifery experts provided advice that the Yukon government's midwives regulation needed to be enacted immediately to transition away from unregulated and uninsured services to ensure patient safety. With safety as a core priority, we listened to that advice.

At the time, we recognized that this would create a gap when midwifery services were not available to Yukoners wishing to access them. Other jurisdictions experienced similar gaps between the regulatory approval and the implementation of midwife services. Knowing that this would cause concerns for those wishing to access midwifery services in that interim window, and based on the feedback that we heard from some Yukoners, the Department of Health and Social Services instituted a temporary policy that allows Yukoners to access medical travel benefits to support them accessing publicly funded midwifery services in another Canadian jurisdiction for the birth of their child.

That interim policy was extended to December 31, 2022 to help support Yukoners who want to access midwifery care while the program here is getting up and running. Our interest in protecting and providing the service — was it perfect or at home? Perhaps not for some individuals, but it was a recognition of the gap in service and the necessity of supporting Yukoners in that way.

Having regulations and the standards of practice that are final and in force was also critical to informing the development of the policies and the procedures that were relevant to Yukon's unique context, ensuring that Yukoners will be able to access safe and effective midwifery services. It provided the clarity and a solid foundation that was needed so that our partners could understand the scope of midwifery services and supported conversations to determine how all care providers could work together to ensure that expectant Yukoners were continuing to receive excellent maternity care, regardless of the location or the type of provider.

This was absolutely critical. This is truly about building relationships so that the new health service would be supported at every level and at every turn. This is why this piece of legislation is also here before this House.

That building of relationships also allowed us to hire midwives who could be licensed and provide them with the time to begin working with partners within the system to build strong, collaborative relationships prior to the program launch. These are all critical components of adding a new health care provider to an existing system and ensuring that all can continue to provide safe and collaborative care. It is about collaborative wraparound services, where all providers understand their role and work together.

This interim period also provided the team with the time needed to identify the consequential amendments that were needed to support midwives working to the full scope of their practice in the Yukon. That is why we are here today.

While brief, the amendments in this bill will ensure that there is clarity for the various roles and responsibilities during emergency situations that may happen during an out-of-hospital birth. They will ensure that the midwives have the authority needed to provide their clients with the necessary certificates or authorities so that they can access maternity leave benefits, for instance. They will also support a very important responsibility for health care providers, and that is the authority needed to report communicable diseases.

I look forward to the discussions on this bill as it is considered for approval. I would expect that, like me, my colleagues in this House will be eager to ensure that we are supporting the full integration of midwifery services here in the Yukon Territory. We have built the regulation, we have built the clinic, and we have hired midwives. We are now providing that service, and we need to make sure that the three elements of this particular piece of legislation are there to support all of that work.

I look forward to the quick passing of this piece of legislation — or this bill.

Mr. Cathers: The legislative amendments themselves are what I would describe as housekeeping in nature. We do support those changes; however, particularly in response to the minister's revisionist history on their implementation of midwifery, I have to remind this House of what actually happened.

This Liberal government committed in the 2016 election to regulating and publicly funding midwifery. In 2017, in their throne speech, they promised to have the program up and running the next year. They missed their own timeline, Mr. Speaker, by about four years. That is a fairly significant miss in terms of a timeline, especially for something that they used as one of their significant platform commitments when they were first elected.

Now, of course, as you know, Mr. Speaker, we have supported the regulation and public funding of midwifery services, but I would also remind the government that, although the minister has attempted to spin it otherwise, they have not come up with the proper structure to date. The failure to allow midwives in private practice to work and be compensated for it by government is a failure of this government and a political decision.

I would note — just to emphasize what I hear from midwives who are interested in this type of model — that, largely speaking, BC's model of payment for midwives who operate there in private practice is what they are looking for, with some modifications. But largely speaking, the government can look at the BC model as a good starting point for allowing that flexibility and allowing more midwives to provide services here in the Yukon.

The minister spoke of, and attempted to justify, the government's political decision to create a gap in midwifery

services here in the territory. I have to remind Yukoners of what happened. The government, just before calling the 2021 election — which, I will remind members, was an early election — chose to pass regulations that banned unregulated midwifery in the Yukon, including for midwives who had been providing that service here for many years to satisfied patients who had paid them for that service.

The government then promised Yukoners that they would have publicly funded midwifery, through the government employee model, set up later in 2021. As the minister herself acknowledged, they instead left a gap in care of about a year and a half.

As many people know, it is quite common for government, when passing regulations or legislation, to create the structure where that is actually proclaimed into force, where the coming-into-force date coincides with the start of a program. There is no reason — there is absolutely no good reason — that the government couldn't have chosen to announce what the regulations would be for midwifery, but not actually proclaim them into force until government actually had their services up and running. But they were so eager to have an election talking point that this government put its own political interests ahead of the interests of Yukon mothers who wished for midwifery services, banned unregulated midwifery, failed on the creation of their own program that they promised, and left a gap in care of about a year and a half. Those are the facts.

I am pleased that the minister, for the first time, did note in her speech that she has given direction to look at a fee-for-service model — would create a fee-for-service model, as she is heckling off-mic — that would create the ability for midwives to operate in private practice.

But again, for a government that has had since 2016 to work on this file — six years, Mr. Speaker, six years to work on this file — that they're only talking about looking at that now is concerning. I would remind them of the real impacts of their political decisions, which include that, for one midwife who was offering services up until the time of the Liberal ban on unregulated midwifery, she is in a situation where she's now fully licensed to practise in British Columbia, but due to political decisions, placed in a situation where she's not able to offer those services here to Yukoners. I've heard from constituents who had her assistance previously with births and are very unhappy about this Liberal government's political decisions in this area, especially since one need only look to the Province of British Columbia and see the situation, that in fact, midwives there can operate in private practice. As I mentioned, I've heard from Yukon midwives that the BC model for payment is one that they think is a good starting place for the Yukon's model. There are some adjustments that they have suggested. If the government would actually consult with them, they would understand what those are, but again, I would point to the BC model for paying midwives for private practice as a good place to start, while noting it does require some adjustments to it.

So, unfortunately, Mr. Speaker, in this area, though the Liberal government was quick to make promises in calling the election last year and putting in place regulations a year and a

half before they ended up being ready to use them, we saw this minister and this Liberal government put political interests first and Yukon women who wish to access midwifery services second.

With that being said, Mr. Speaker, as noted, the legislation itself is largely housekeeping in nature, and we will be supporting it.

Ms. Blake: I am very pleased to stand today to offer the Yukon NDP's support to this important bill that further supports pregnant persons and families, prenatal and postnatal. We know that health outcomes for the pregnant person, family, and baby are better with the support and care of a midwife. These amendments are important in recognizing midwives as professionals of the health professional team for pregnant persons, their families, and for the babies.

Given that, I and many others support these services being available in communities. This is so important. Pregnant persons should be able to stay in their communities where their family and support systems are, instead of being required to come to Whitehorse two or three weeks prior to their birth date.

Having to leave behind partners and/or children should not be a part of such a joyful life event. Even I, when working as a First Nations liaison and cultural programs coordinator at the First Nations Health Programs, was privileged and honoured to assist in the delivery of 16 babies.

We know that midwifery is not new. Women have been giving birth since the beginning of time, and in indigenous communities, it was the grandmas, the aunts, and women who learned those skills and provided that support. It was the grandmas and aunts who then passed those amazing skills on to the next generation.

I am excited to see the midwifery program continue the work that they have done to build a relationship with CYFN and community health centres. This partnership is critical. I hope that one day, Yukon babies will be delivered in their home communities by midwives.

There are indigenous midwives practising in communities across Canada. Increasing the number and capacity of indigenous midwives fulfills the Truth and Reconciliation Commission's calls to action to recognize the value of indigenous healing practices and to increase the number of indigenous professionals working in the health care field.

I just want to say how pleased the Yukon NDP are to see these skills and midwifery practices come back to the Yukon. Families and pregnant persons now need to see these supports available in their home communities. My other hope now is that there be incentives and support for more Yukoners to receive midwifery training and for them to return to the Yukon with those skills.

I would like to share a quote from Carol Couchie. I took this quote from the National Aboriginal Council of Midwives website: "We are not just about catching babies. We are nutrition. We are breastfeeding. We are safety in remote areas. We are insurance for our young families."

Hon. Ms. McLean: I am very pleased to speak today to support the midwifery amendments integration act for Bill No. 18. This act will allow registered midwives to offer their full scope of practice of birthing clients in Yukon and fully integrated midwifery into our health care system.

As the Minister responsible for the Women and Gender Equity Directorate, as a Yukoner, as a mother, and as a parent, I believe in the importance of fully funded, public-quality pre- and postnatal care for all birthing people in the territory. I note that the Member for the New Democratic Party has left the Legislature, but I wanted to comment on her comments today

Some Hon. Member: (Inaudible)

Point of order

Speaker: Member for Lake Laberge, on a point of order.

Mr. Cathers: It is against our Standing Orders for the minister to comment on the absence of a member, as she just did. I would ask you to instruct her to retract that statement and apologize to the member for making it.

Speaker: Minister of Education, on the point of order.

Hon. Ms. McLean: Yes, I absolutely support and uphold the rules of this Legislative Assembly. I was simply trying to make a point to compliment the comments that were made. I withdraw that particular comment.

I will wait for your comments back.

Speaker's ruling

Speaker: I just want to remind all members not to refer to the absence of members.

Minister of Education, please continue.

Hon. Ms. McLean: Thank you so much. I just wanted to make note of comments made by my colleague from across the way and really to support the comments that she made in terms of the importance of midwifery in our communities and throughout our territory.

I wanted to tell a story, so it really supported me in doing that. Most of my siblings — there are 12 of us; I am the youngest of 12 — were born with the support of First Nation traditional midwives. My grandmother, Grace Edzerza, was one of the them. I was born in the hospital here in Whitehorse, along with my sister who is closest in age, but most of my siblings, as I have stated, were born at home with the support of our grandmother, aunties, and other indigenous women in our communities.

My mother, Thelma Norby, née Edzerza, also supported many women through her life as one of those people who helped bring babies into the world in such a great way. When I was expecting my child — my youngest — my mom provided traditional teachings and care during my pregnancy and post-care, and these valuable teachings I absolutely cherish and have cherished throughout my life. It has helped shape my son and built a stronger relationship between both of us. My oldest son is adopted to me, so I've only had that one experience in that way.

So, I know that midwives make a difference, and midwives are in a unique position to support patients in accessing health care where systemic and intersectional barriers still exist. Some people may feel more comfortable accessing the specialized care of a midwife in a smaller setting. This bill continues to enable that option.

So, I absolutely take issue with the member for the Yukon Party and the comments and preamble that have been presented here today that this was just a political move. I mean, this is really creating and putting people at the centre, and that's what we support. Casting that shadow, I think, over the important work that this government has done is not helpful to Yukoners in supporting these services to happen and speaking to them in the way that has been spoken to today.

The Yukon Women and Gender Equity Directorate has been involved in discussions, research, and public education on midwifery for years. There have been hurdles and challenges to overcome in order to fully integrate midwifery into our health care system. For many passionate advocates, this bill has been a long time coming, and I acknowledge that it has not been a quick process. However, I feel confident knowing that the government has taken the steps necessary to integrate midwifery safely and sustainably for the benefit of all patients and health care workers.

The implementation of midwifery is based on extensive feedback from local and national experts, public consultation, research, and one-on-one conversations with practising midwives in the Yukon. I want to take a moment to acknowledge the many local advocates for birth choices, the experts in midwifery locally and nationally and in First Nations, and all other physicians, nurses, and other health care professionals who will work with the midwifery program to ensure continuity between health care services.

Without the support of these local advocates and professionals, the midwifery clinic would not be here today. Midwifery is not a new profession. In fact, it's one of the oldest. Today, midwives are highly educated and trained health care professionals who provide primary care to people giving birth, as well as their families. Midwifery is based on an understanding that pregnancy and birth is not a time-limited experience, but it is an experience that has the potential to shape people for the rest of their lives. A positive response and support in these early days to parenting — when parents may be tired, overwhelmed, or facing financial or social barriers — can have an incredible impact. With this understanding, midwifery aims to support the whole person from the start of their pregnancy journey through the birth and postpartum, supporting post-breast/chestfeeding experiences with lifelong benefits for both birthing person and the child.

This approach to birthing supports both physical and mental wellness by ensuring informed consent and autonomy and can lead to positive outcomes — not just for the parent and child, but the entire family and communities in the long term.

Birthing people who want to have a midwife are empowered to participate in all aspects of their pregnancy and birthing journey. Midwives provide a full range of health care services and birthing people with uncomplicated pregnancies

and have referral privileges for those situations that require the expertise of other health care professionals.

Research has demonstrated that midwifery decreases the levels of unnecessary medical intervention in the birthing process. It also plays an important role in providing the mental wellness, independence, and long-term outcomes of patients. Whether someone wants to deliver at home or in hospital, midwives provide individualized support and are guided by the patient's wishes, values, and vision.

The Yukon midwifery clinic opened in Whitehorse in July 2022. Midwives there can order routine tests such as ultrasounds, write prescriptions, provide referrals to other health care specialists, and perform lab work. Prior to the midwifery clinic opening, Yukoners who wanted to have a midwife had to pay for private services. Their care was not well-integrated within the other parts of the health care system. Yukon patients can feel confident in knowing that the midwives in the Yukon midwifery clinic are licensed, formally trained, and have hospital privileges to help ensure an integrated, safe, and accessible birthing option.

With Yukon's low birth numbers, integrating midwifery into the health care system offered by the government ensures that midwifery is safe, properly resourced, sustainable, and aligned with our other health care services. The midwifery clinic is set to double its practising midwives from two to four this winter. A third registered midwife has just started and another is set to begin work in November.

This is an exciting time, and I trust that all of my colleagues in the Assembly will also join us in supporting this full integration to Yukon's health care system.

In conclusion, I am honoured to support this bill that will provide more options and more positive outcomes for birthing people in our territory. I would like to congratulate the community advocates and all of our colleagues who have worked so hard over the years to make safe and regulated midwifery in the Yukon a reality. For the first birthing parents who will see their babies born to these incredible health care professionals, congratulations. This is an exciting milestone for pre- and postnatal care in the Yukon. Again, I thank my colleagues in this House today for the comments, particularly from the New Democratic Party, and their support and positive words that I'm sure are appreciated by all Yukoners.

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

Does any other member wish to be heard?

Hon. Ms. McPhee: Thank you very much, Mr. Speaker. We listened to Yukoners; we listened to experts; we listened to midwives. We built the partnerships needed to fully integrate midwifery into Yukon's health care system. We built the system and the regulations to support that.

Regulated midwifery is now available to all Yukoners. It is a new health care option that is free for all Yukoners. I don't think that the members of the Official Opposition even truly supported the concept of midwifery, despite the sort of table pounding at the moment. We worked with the focus of the

health and well-being of Yukoners as the foundation of a bright future for our territory. That remains to be our guiding goal. Under our leadership, Yukon's health care system is transforming into a national leader. We are providing Yukoners with additional options that support healthy pregnancies, positive birthing experiences, and quality care after childbirth.

I think it is worth reiterating — I said it earlier, and I will say it again this afternoon — that the request for a system where midwives would be employees and have a clinic that is supported by government was, in fact, the request of the midwives. It was the expert advice from the advisory committee. I know that it is the route that we took, carefully taking into account the expertise that they brought to the table.

The Yukon Party spent some 14 years in government and truly never took a single step toward the integration of midwifery into our health care system, and that is what this was; it was the integration of a new health care service into our current health care system. The members opposite — the Official Opposition — were satisfied with an acute health care system that truly failed Yukoners and was not financially sustainable. When we came to office, there was no minimum education or training requirements for midwives. This was something that we were told needed to be a priority. Our Liberal government has now fully integrated funded, regulated midwifery into our health care system so that Yukoners have more options for care.

I also think, based on the comments at second reading by the member of the Official Opposition, that it is worth repeating that Yukon's first midwifery clinic opened in July 2022.

All Yukoners, including those living in communities, can now access comprehensive midwifery services at no cost. Yukoners now have safer options for primary care and support of healthy pregnancies, childbirth, positive birthing experiences, and postnatal care. We have heard, both from the Minister of Education as well as the member of the Third Party who represents Vuntut Gwitchin, how important these options are. We come to this Legislative Assembly and often we speak a lot of words, but it is incredibly important to understand what this means for community.

Our government has taken significant action to make service delivery more sustainable and more effective and responsive to the needs of all Yukoners. We continue to implement the recommendations of the *Putting People First* report and to create a people-centred health care system that will move our territory forward.

I look forward to questions with respect to this quite technical piece of legislation and the bill before you, but I also look forward to the opportunity to address the Legislative Assembly when we enter Committee of the Whole about the importance of a bit of a broader scope. I very much appreciate the opportunity to speak to this at second reading.

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 yeas, nil nays.

Speaker: The yeas have it.

I declare the motion carried.

Motion for second reading of Bill No. 18 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): I will now call Committee of the Whole to order.

The matter before the Committee is general debate on Bill No. 18, entitled *Midwifery Integration Amendments Act (2022)*. Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 18: *Midwifery Integration Amendments Act (2022)*

Deputy Chair: The matter before the Committee is general debate on Bill No. 18, entitled *Midwifery Integration Amendments Act (2022)*.

Is there any general debate?

Hon. Ms. McPhee: I am pleased to welcome today Deputy Minister Michael Hale, from the Department of Health and Social Services, and Natasha Phillips, senior policy advisor with the Department of Health and Social Services, who are here today to assist with questions that may come today with respect to this particular *Midwifery Integration Amendments Act (2022)*, Bill No. 18.

I am very pleased — I should say a shout-out to the staff at Justice, who are responsible for the drafting of this bill. We have with us Natasha Phillips, who has been really the leading force with respect to this piece of legislation, as well as the implementation of the midwifery program. So, I am very pleased that she can join us today, but there are others behind the scenes who I know have worked just as hard on this particular — not only piece of legislation, but the entire program.

So, I appreciate the opportunity to rise today to speak about the *Midwifery Integration Amendments Act (2022)*. This is an omnibus bill that will help support midwives working to their full scope of practice. I will go through the amendments shortly, but I first want to take an opportunity to again acknowledge the hard work and dedication of the many health professionals, individual Yukoners, local and national experts in midwifery, and Yukon First Nation governments and communities who have helped us develop and successfully launch the Yukon's regulated and fully funded midwifery program. It has taken the vision, passion, and commitment of many over two decades to bring funded, regulated midwifery services to Yukoners.

As a government, it has been a priority of ours since first elected to provide the necessary resources and direction to make this happen. We heard from Yukoners that they wanted a range of birthing choices and access to safe, regulated, and publicly funded midwifery services with the high and consistent standard of care found nationally. Our goal has always been to bring and provide Yukoners with additional options within the range of health care services that support healthy pregnancies, birthing experiences, and care after childbirth without having to pay out of pocket.

Prior to midwife regulation, only Yukoners who could afford to pay out of pocket could access midwifery-type services outside the hospital settings, because there were no regulations in place and there were no minimum education, training, or liability insurance requirements for people offering midwifery-type services that were isolated from the rest of the health system.

Under the previous system, there were gaps in care that could not be addressed without regulating midwives. We know that, historically, midwifery was at the forefront of maternity care in Canada, and we have heard some members of this Legislative Assembly speak about that today.

Maternity care in Canada was midwifery at the forefront until care shifted to hospitals and to doctors with the development of medicare in the 20th century. It wasn't until the 1990s that midwifery began to be legally recognized as a health care profession in certain provinces. Today, many seek to

utilize the services of midwives to provide the full spectrum of their maternity care.

The practice of midwifery is based on the understanding that pregnancy, labour, and birth are profound experiences that carry significant meaning for the person giving birth, their family, and their community. I know that every mother and every person who has had the birth of a child is well aware of the profound experience and understands the importance of this integrated practice.

Grounding the practice of midwifery are the principles of health and well-being, recognizing that conception, pregnancy, birth, and breastfeeding or chestfeeding are natural life processes. Many seek this care because they believe that midwives provide care that emphasizes continuity, informed choice, and informed consent so that pregnant people and their families are actively involved in their own care.

Midwives are known for providing individualized, 24/7 care and are available and willing to provide in-depth support, and that is exactly what Yukon's regulated and funded midwifery program has been designed to do and can do. As the Minister responsible for Health and Social Services, program development and service delivery is my particular area of responsibility. As my 2021 mandate letter from the Premier sets out, I am responsible for ensuring that midwifery is fully integrated into Yukon's health care system.

The Yukon's midwifery program directly and indirectly supports many of the recommendations set out in the *Putting People First* final report. This includes, but is not limited to, paragraph 1.4, which says: "Partner with First Nations governments, municipal governments, non-governmental organizations and members of the public in the long-term planning of health and social services that meet community needs and are culturally safe."

Paragraph 2.2 of the *Putting People First* final report says: "Connect every Yukoner to a primary care provider ... who provides care as part of an integrated health care team."

Paragraph 6.6 says: "Encourage all providers in the system to work to their full scope of practice and remove barriers, such as lack of hospital privileges for nurse practitioners, to achieve this. This may include regulatory barriers or organizational culture barriers. Expand the scope of practice for specific professionals where it makes sense to support the work of integrated teams."

We know that regulated midwifery is a safe practice, wanted by many members of our Yukon community. Research shows that both regulated and fully integrated midwifery, and integrating midwifery into the health system, is critical to create safe birthing environments for both the birthing parent and infant. For example, having a planned birth at home with a registered midwife can be as safe as a hospital birth for the infant and pregnant parent, according to the Canadian study of 23,000 home and hospital births published in the *Canadian Medical Association Journal* in 2015.

Through the support provided locally and nationally since we first started this work in 2017, we have been able to create a midwifery program that offers the same high standards of care — it is designed for safe, integrated, and publicly funded

midwifery services — as other jurisdictions in Canada. I note that some of the comments that were made on second reading indicated that this work has been going on since 2017. We fully admit that this work has been a priority for us since coming to government in late 2016 and that the work needed to be done in the way it was done to ultimately end up with the system that we have and are very proud of today.

Midwives in Yukon's midwifery program are highly trained primary care providers who are equipped to provide all necessary medical care and support within their scope. They have the needed hospital privileges. They are licensed and insured and are working closely with other health and social system providers to ensure that Yukoners receive the highest quality of care.

This includes providing comprehensive care at people's homes, at the midwifery clinic, or at the Whitehorse General Hospital. They can order routine diagnostic tests, such as ultrasounds and lab work. They can prescribe medications and screen and treat physical, emotional, and social health concerns. They can refer their clients to needed medical specialists or consult with specialists to ensure that they are providing the care that their clients need.

The Yukon midwifery program has adopted seven core principles of the Canadian midwifery model of care, which are considered to be the national standard to establish a safe and sustainable midwifery program. These principles include: professional autonomy — Canadian midwives are autonomous primary health care providers who provide comprehensive care during pregnancy, labour, postpartum, and newborn periods; the principle of partnership — Canadian midwives recognize the intimate client-care provider relationship as being integral to the provision of care that is responsive to the unique cultural values, beliefs, needs, and life experiences of each client; the principle of informed choice — Canadian midwives recognize the right of each person to be the primary decision-maker about their care; the principle of continuity of care provider — Canadian midwives provide continuity of care, whereby a known midwife or a small group of midwives provide care throughout pregnancy, labour, and the postpartum period; the principle of choice of birthplace — Canadian midwives ensure that their clients have the right to choose where they will give birth, and midwives are responsible for providing care within their scope of practice to clients in the setting of their choice; the principle of evidence-based practice — Canadian midwives' practice is informed by research, evidence-based guidelines, clinical experience, and the unique values and needs of those in their care; and lastly, the principle of collaborative practice — Canadian midwives work with their partners to meet the unique needs of a specific community, population, or geographical area and may work collaboratively within creative interdisciplinary models of practice. This aligns so well with the advice and recommendations of *Putting People First*.

I think it's also important to talk about the way in which registered midwives have been integrated into the Yukon's health system. As part of the presentation and debate of this bill, the integration continues.

We have heard the concerns that it has taken too long. We have also heard concerns about the fact there was a gap in the time between bringing midwives regulation into force and the launch of midwifery services. Certainly, it would be wonderful if the development of a new health care program and integrating a new health profession into the existing health system structure was simple, straightforward or easy, but it wasn't. As I note — and have noted before — it took a great deal of commitment from many to get us to this point.

The implementation plan and model of care for regulated and fully funded midwifery services is based on the recommendations of local and national experts. I dare say, none of those local or national experts exist in this Legislative Assembly, so in order to get this work done, we go to the people who know what the situation is and who are experts in their field.

There has been significant research. There has been extensive public and stakeholder feedback gathered through an engagement process. It ensures that Yukon's approach to midwifery and midwifery care is aligned with the national standards and best practices, including the primary concern of patient safety.

During the initial consultations on midwifery back in 2018, we received feedback from a variety of stakeholder groups that they supported initially enabling midwife-led birthing in the Whitehorse area only where processes and emergency services that support pregnancy and birth are already well-established. This was also needed to support the development of strong interprofessional relationships and a fulsome understanding for providers and the public of what midwifery care is and how it works among all the health care providers that support midwifery and maternity care services here in the Yukon.

The decision to launch a midwifery program in the Yukon, with midwives as employees of the Department of Health and Social Services, was also a recommendation based on the research and the expert advice, and we followed it. The reality is that Yukon has one of the lowest numbers of annual births in the country. While this may increase with our rapidly growing population of late, it is important that the launch of midwifery services focused on sustainability.

That means sustainability for the registered midwives working in the midwifery program and the sustainability of the physician community providing obstetrical care as well. We are very lucky and fortunate to have a wonderful group of physicians who have historically provided care for maternity patients here in the territory.

These physicians are specialized in providing obstetrical care and are very passionate and committed to ensuring that the Yukon's maternity care system is safe and responsive to the needs of pregnant Yukoners. That is why this is not a program that could just be launched as soon as the regulations were created. It needed to be built. It needed to be built on the ground and on the foundation of great partnerships. It is critical that we worked closely with our health system and community partners to ensure that Yukon's midwifery program continues to provide Yukoners with the same standard of care that is available

elsewhere in Canada and is well-integrated into the health system, even as it grows and evolves.

The work over the last year and a half has intensely focused on learning about how the existing system is operating, what midwifery looks like and how it works and how these modalities of care can best work individually and collaboratively to ensure that, regardless of birthplace or provider, Yukoners are receiving excellent care.

I will take a moment to talk about the bill and the various amendments included therein. The Department of Health and Social Services and the midwifery team determined, through the course of program development and in consultation with other health system partners, that there were consequential amendments required to various pieces of legislation to support the full integration of midwifery services into Yukon's health care system.

While this bill is very short, the amendments are very important to ensuring that registered midwives in the Yukon are able to work to full scope of practice as set out in the midwives regulation and standards of practice. Under the *Care Consent Act*, section 63 covers emergency situations and who should assume the most responsible provider role.

The amendment to section 63 of the act to include registered midwives will ensure that, in the event of an out-of-hospital emergency situation, registered midwives will retain their most responsible provider role when emergency responders assist or arrive to assist. From that work that has been undertaken to integrate midwifery into the health care system so far, we know that one of the key steps to facilitating patient safety is to ensure that all health care providers are clear on their roles and responsibilities, and this amendment will facilitate that clarity.

Bill No. 18 also proposes amendments to section 1 of the *Employment Standards Act* to ensure that it is clear what the definition of a "qualified, registered midwife" is in relation to that act.

It also amends section 36 of the *Employment Standards Act* to support the ability of a midwife to provide the necessary certificates to their clients so that they can apply for maternity leave and leave for health problems related to pregnancy if necessary. Making this change will reduce the number of care providers needed to provide care to an expectant individual to obtain maternity leave benefits.

The amendment in the bill to the *Interpretation Act* is a very standard amendment when we introduce a new regulated health profession — which, I can say, does not happen very often — and that is to include a standard definition of "registered midwife" that will apply across all Yukon legislation.

The final amendment is key to reflecting the scope of registered midwives in the Yukon, as set out in the midwives regulation and the standards of practice. Under the standards of practice for midwives, should they have the advanced certification, midwives are able to diagnose and treat sexually transmitted infections. In addition, a key component of primary health care is being able to diagnose and treat sexually transmitted infections, some of which are classified as

“communicable diseases”. In the event that a midwifery client is diagnosed with a communicable disease, it is important that midwives are able to follow the proper processes to report and diagnose this to the medical officer of health.

Amendments to section 2 of the *Public Health and Safety Act* will include registered midwives and primary health care nurses in the list of health professionals who are obligated, by regulation, to report those cases through the appropriate channels.

Once this amendment is done and Bill No. 18 is given assent — which I certainly seek support for here on the floor of this Legislative Assembly and I hope it will be supported by all members — the amendments will then be made to both the communicable disease regulation and the venereal disease regulation, as needed.

Individuals — members here and Yukoners — may be wondering how these situations have been dealt with by the midwifery program in the interim period. During the interim period for those situations that are applicable, the team has had wonderful support from nurse practitioners and the physician community to ensure that their clients are well-supported. However, these amendments are integral to ensuring that registered midwives in the Yukon are able to work to the full scope of their practice. These will help support safe continuity of care for midwife clients, and it is important that we take this opportunity to amend these growing gaps now. We are aware of these situations and it is important to resolve them.

I would also like to acknowledge that we know that, in the coming months and years, Yukon’s midwifery program will grow and evolve as a health system that works better to meet the needs of Yukoners. Through the integration of midwifery services, a strong foundational relationship has been established with the Yukon Hospital Corporation, physicians, nurses, Yukon First Nation governments, communities, and organizations, and individual Yukoners who care passionately about a strong and responsive maternity health care system.

We intend to keep those conversations and the good work going. In fact, even in the recent memorandum of understanding with the Yukon Medical Association and the Department of Health and Social Services, there is acknowledgement that a strong maternity program and an early-years care system are integral to building healthy communities. This collaboration, these new relationships, and this vision were borne out of the work done to integrate midwifery into Yukon’s health care system. None of this work, despite the period of time it has taken us to get here, has been unimportant. None of it has been for naught. This is an important shift for Yukoners and for Yukoners who need to avail themselves, and wish to avail themselves, of this care.

This is not a vision that could be accomplished without the continued work with our Yukon First Nation partners and communities, all health care system providers, and individual Yukoners, as the *Putting People First* final report made note of.

We will continue to work collaboratively, Deputy Chair, to support a strong health care system that supports all care providers working to the full scope of their practice and to deliver excellent health care to Yukoners, because to do

otherwise does not serve Yukoners. This bill is one step in helping to realize that. Thank you for the time to address the Legislative Assembly today.

Mr. Cathers: I’m not planning to speak for long on this at the Committee stage unless something comes up that prompts additional questions or comments.

I would note that the minister gave a very long speech for a very short act. I would largely refer readers and listeners to my comments from second reading on this legislation. I would just note and remind the minister that, despite her attempts at revisionist history and spin, this government has had almost six years —

Some Hon. Member: (Inaudible)

Point of order

Deputy Chair: Member for Mount Lorne-Southern Lakes, on a point of order.

Hon. Mr. Streicker: Thank you, Deputy Chair. It’s my recollection that the term “spin” is in contravention of Standing Order 19(h).

Deputy Chair: Member for Lake Laberge, on the point of order.

Mr. Cathers: On the point of order, Deputy Chair, I don’t believe that term has been ruled out of order. I think the minister is just overly sensitive on this.

Deputy Chair’s ruling

Deputy Chair: This is a dispute between members. The Member for Lake Laberge has the floor.

Mr. Cathers: Thank you, Deputy Chair. Again, I would just note, in continuing my comments, that the government’s record on this — this Liberal government’s record — has been to make commitments but fail to meet their own timelines. That has been a problem. Again, they have almost six years on this file. They committed in 2017 that they would have it done in 2018. They are almost four years late for their own commitment. They made a political decision to implement regulations that banned the unregulated practice of midwifery with a promise that, later in that year, they would have their own program up and running, leaving a gap of a few months. Instead, they failed to keep that commitment and left a gap in care in midwifery services in the territory of about a year and a half.

As I noted earlier, that was a decision made for political reasons prior to an election. They could have chosen to not proclaim the regulations until they actually had the program ready to be up and running. It’s unfortunate that the Liberal Party chose to put their political interests and an election campaign as a higher priority than Yukon women and Yukon mothers who wanted — in some cases — to access midwifery services in that year-and-a-half gap in care created by this Liberal government.

Unless there are additional comments coming from the minister that require rebuttal, I’m not going to ask any questions at this point. The legislation itself is rather housekeeping in nature — though important, of course, in

making those housekeeping changes. I would thank the officials who have been involved in drafting this legislation for their work on it, as well as for the briefing.

I will turn the floor over to the Member for Vuntut Gwitchin.

Hon. Ms. McPhee: I won't take long to respond, but I think it's worth noting that we took the time to build relationships. I appreciate that the member opposite doesn't have any questions. I appreciate that the criticism remains that this took too long. I think, as I said earlier, we built this system, we built the relationships, we built the programming, and we chose to do it right. We did it with expert advice, and the decision was made to follow the advice of the experts. But I guess the most important thing is that we did it.

Ms. Blake: I would like to thank the officials for being here today. I don't have many questions because I think some of what I needed to ask was covered in the briefing.

I'm happy to hear there is a fourth midwife starting in November. The question that I wanted to ask — which has been asked by some folks who were interested in accessing midwifery services — is: Is this service presently only available in Whitehorse, and when will midwifery care be available through rural health centres in the communities?

Hon. Ms. McPhee: Thank you for the question. No, it is not a restriction that individuals receive this service in Whitehorse. The Yukon midwifery program provides Yukoners with the additional option of safe, accessible, and high-quality maternity care without paying out of pocket. As we noted earlier, the midwifery program started with two midwives. We later hired a third midwife in July. In September of 2022, the Yukon midwifery program expanded its eligibility criteria to include Yukoners from anywhere in the territory.

As of September 15 — that's 2022, to be clear — a total of 32 people have been accepted to the program and are currently receiving care from a registered midwife on staff. The program has been able to respond to the community demand for midwifery services with a limited number of people on the wait-list. More than half of the applicants have requested a hospital birth, and as of October 1, there are currently three registered midwives working at the clinic. The information that I have is that a fourth is beginning in November. That is available to all Yukoners.

Ms. Blake: My next question is: How will pregnant people and families access midwives in the community? Who is responsible for the coordination of this service for those who reside in communities?

Hon. Ms. McPhee: I thank the member opposite for the question.

The coordination of midwifery services is done here in Whitehorse at the midwifery clinic so that individuals who are patients will be managed and coordinated by midwives who are here in Whitehorse. The midwifery services — and this was an important part of us adding new midwives and taking the time over the summer and fall to make sure that they could provide services in communities — they are provided by a relationship between the midwifery clinic and Community Nursing and the doctors, the physicians, who travel throughout the territory. Of

course, when patients, or clients, of the midwifery clinic come to Whitehorse, midwives will visit them however they choose, whether it is at a hotel, or a friend's house, or somewhere they are staying, or at the clinic, or even in hospital, if need be. The services will progress that way for individuals who are not residing full time in Whitehorse for now, and the expansion will be explored as to how those services can be ultimately provided to more members of the community.

Ms. Blake: I would like to thank the minister for answering the question.

The next question I have is: For those who travel from the communities to access midwifery care here in Whitehorse, what are the plans for their accommodation? Is it different from people accessing physician care when pregnant?

Hon. Ms. McPhee: Thanks for the question about accommodation here in Whitehorse for individuals who want to — are clients of the midwifery clinic. Midwives, as I have noted, upon the passing of Bill No. 18, will have the full scope of practice and can authorize travel and medical travel for folks coming from communities. Medical travel can include some accommodation, or funds that can be used for accommodation, and I can also note that we have — there is a birthing room, or a room at Victoria Faulkner Women's Centre, where individuals are allowed to stay if they are awaiting the birth of their children, and presumably, if it's not being used, we could also use that on occasion.

Ms. Blake: My next question is regarding midwifery services here in Whitehorse. How is that information being distributed to the communities, First Nations, and municipalities so that folks who live in the communities are aware of this option?

Hon. Ms. McPhee: As I've noted several times today, First Nation governments and communities are very strong partners in relation to this work, and information has been provided through those partnerships, of course, to communities across the territory and through health departments across the territory, through community health centres in various places across the territory. There has also been a social media campaign that has been quite noticed and successful. We'll just continue to work hard through our partnerships to make sure that the details of how someone could be in touch with the midwifery clinic — which is really all that is necessary — if somebody might be looking for answers about the scope or what kind of care they can get, all of those questions can and are willingly being answered by the midwifery clinic.

Ms. Blake: My next question is: Are there any plans to create a permanent midwife position on the maternity ward at Whitehorse General Hospital?

Hon. Ms. McPhee: Sorry, Madam Chair. I'm just going to ask the last part of the question. Are there any plans to create — it's hard to hear in this room. Sorry, but — plans to create a midwifery position —

Some Hon. Member: (Inaudible)

Hon. Ms. McPhee: — at Whitehorse General Hospital? Okay. No, not at this time, because the model the experts spoke to us about was the clinic model. It is completely supported by government. As of November, the four midwives will be

employees of the Yukon government and provide that service in a setting that is also provided by Yukon government, and the midwives all have hospital privileges. So, their work is in and out of the hospital, in the community, in individuals' homes, but the clinic work happens at the midwifery clinic.

I would like to add that when I visited the clinic and spoke with the senior midwife there, she was very, very clear that they are interested in coming out of that clinic almost as much as they can, because they want to meet pregnant people in a coffee shop if that's a better setting for them, in the library, in a park, in a place where that individual is more comfortable, particularly if they have sensitive questions or concerns that they want to discuss with the midwife. They were very, very interested in making sure that they could provide wraparound services for individuals, particularly those vulnerable individuals who might be pregnant and who might not be interested in coming to a clinical setting.

I should also add that the midwifery clinic is, at this point, as un-clinic-like as they can make it. They're interested in making it a homey, warm place for pregnant people to come and speak and get services during their pregnancy. They're doing that to the very best of their ability, and we are certainly dedicated to helping them with whatever furniture or décor or things, layout of offices, that help. There's of course a clinical aspect, but I know that their goal, as a team of midwives, is to make that place and their services as accessible as possible.

Ms. Blake: I'm also wondering if there were any conversations held with the non-insured health benefits program just to ensure that there are not any gaps or challenges for travel authorization for anyone who falls under the non-insured health benefits program to access midwifery services outside their home community.

Hon. Ms. McPhee: Thanks for the question. It is a very important question in relation to making sure that all Yukoners have access to the services that they need.

I can advise the member opposite that there is a relationship with NIHB, between the Department of Health and Social Services and the programming there, that supports Yukoners who are eligible or required to have services in that way.

I can indicate that, in particular, there were discussions during what I am going to call the "gap period" — the period of time when individuals could not yet get services here at home — and it was very important for us to support and to have a relationship with the federal government and how those individuals could be supported to travel Outside if they needed to do so and get services there. I can tell you that it has been a topic at the trilateral table of health and will continue to be so that relationship can grow. There are lots of future conversations about how we can integrate those two programs in a way that benefits Yukoners.

Ms. Blake: I am happy to hear there are conversations happening with the federal program, because I think that is an important step to ensure a smooth transition for access to midwifery services.

My next question is: Will we see midwives eventually practising at the Dawson City hospital and Watson Lake

hospital, and will their hospital privileges from Whitehorse General Hospital extend to other community hospitals?

Hon. Ms. McPhee: Thank you for the question. The overall plan for the launch and the phased integration of midwifery care here in the territory was developed based on the research and the expert advice, as we said earlier, from the Canadian Association of Midwives.

That association proposed a model for midwifery services that was a phased approach and would first establish midwifery here in Whitehorse and then introduce services to other communities, including Dawson City and Watson Lake. The Canadian Association of Midwives proposed that, if midwives were based in rural Yukon communities, the first step should be to only provide in-person pre- and postnatal care and have their clients transfer to the Whitehorse team for delivery. I think that is a very important aspect to what will be the evolution of this program.

That advice from the Canadian Association of Midwives reflects the desire on the part of some Yukoners and Yukon First Nation individuals to see the return of birth to communities outside of Whitehorse. While acknowledging that this process takes time and requires significant resources invested in existing health services in addition to the additional investment in midwifery care and requires community and health provider willingness to participate, there has always been an acknowledgement that additional conversations and research should continue. A midwifery consultant position was developed to do some of this work and has been funded until March 2024. Work is underway to try to staff this. It has been a hard-to-fill position, but we look forward to that and the impact that job can have on the growth of the midwifery program.

As I noted, in late September, the program became available to Yukoners across the territory. I would just like to remind folks that the reason why births are required in Whitehorse — although we hope to get to a place where they are available at other hospitals — there are a couple of things. Midwives work closely with their colleagues and the support from one another might mean that one midwife in Dawson or Watson Lake may not be sufficiently supported by not having daily support from their colleagues. We also note that operating rooms, blood supplies, and other safety measures are available only here in Whitehorse at this point with the size of our hospitals. That is why births will continue to take place here in Whitehorse, but the evolution of that, going forward, is certainly a goal. With the growth that we are seeing here in the territory, it might be sooner than later, but we want to make sure, of course, that all births are done safely, and the current advice is that they happen here in Whitehorse General Hospital, or at homes, or other locations, but close enough so that any emergency care is available.

Ms. Blake: My next question is: How are other health professionals being informed of the roles and practices of midwifery care in Whitehorse?

Hon. Ms. McPhee: Thank you for the question.

I have described a couple of times today about the incredible necessity to build partnerships and relationships

going forward in order to integrate midwifery into our health care system, which, of course, interacts with other health care providers. There is a midwifery integration committee, and that will continue. The committee is populated with physicians, nurses, nurse practitioners, midwives, and other people who needed to be in the partnership who are supportive of this program going forward. They have been continuing their work to reach out to other health professionals, like pharmacists and others, so that it becomes fully integrated.

It has been — I want to say — very successful in the last few months, as far as getting support from those individuals and those sectors of the health care system that have been supportive of this all along, but it is a different reality when, all of a sudden, the clinic is open and individuals are being served and there are relationships and health care provision among a number of health care providers, but that continues.

Ms. Blake: My next question: I was wondering — like, right now, midwifery care is available in some NWT community health centres, and I am thinking more about the health centre that is currently being built in the community of Old Crow. I feel like that's an opportunity to expand the scope of practice in the community, and I'm just wondering if there are any plans in place to incorporate a midwife role into the upcoming health centre in the community of Old Crow.

Hon. Ms. McPhee: I'm glad this question came forward; it's an opportunity to say how proud we are of the new health facility that is being completed in Old Crow and the services that can be provided there.

We have the capacity at that location for these kinds of services — midwifery, clinical-type services — to happen there. Of course, births without the safety net of the Whitehorse General Hospital would not be necessarily permitted there yet under this current regime, but the conversations are continuing, and I've described earlier how we hope that there is ultimately expansion of these services into communities. But it will take some evolution, and it will definitely not be — I want to say — quick in that the growth and the sustainability of the midwives and the relationships with other health care professionals, and the services provided throughout the territory on the model that we currently have, needs to be well-supported and needs to be continuing for quite a while and evaluated to make sure that it's being done right before any kind of expansion that you've asked about could be considered.

Ms. Blake: Thank you, Deputy Chair. I don't have any further questions. I would like to again thank the officials for being here today to answer the questions. I am excited to see this bill move forward. I think it's an important service for those who are planning to have children in the territory and those who are currently pregnant.

Since I've come into this role, I've heard from many women who are pregnant in the communities who have indicated that they wanted to deliver their babies in the community. They want their baby's first cry to be in the communities. They want their baby's first experience to be hearing the drums played, hearing the songs being sung by the aunties, hearing the fiddle played, hearing the elder's prayer, and the mom and the baby and the family — so I think this is

very exciting for the territory, and I'm excited for the future of how the delivery of our babies will happen in the coming future and the years ahead.

Mahsi'.

Deputy Chair: Is there any further general debate on Bill No. 18, entitled *Midwifery Integration Amendments Act (2022)*?

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

Ms. Blake: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 18, entitled *Midwifery Integration Amendments Act (2022)*, read and agreed to.

Unanimous consent re deeming all clauses and the title of Bill No. 18 read and agreed to

Deputy Chair: The Member for Vuntut Gwitchin has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 18, entitled *Midwifery Integration Amendments Act (2022)*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Deputy Chair: Unanimous consent has been granted.

Clauses 1 to 9 agreed to

On Title

Title agreed to

Hon. Ms. McPhee: I appreciate your indulgence, Deputy Chair. I take the opportunity to move that you report Bill No. 18, entitled *Midwifery Integration Amendments Act (2022)*, without amendment.

Deputy Chair: It has been moved by the Member for Riverdale South that the Chair report Bill No. 18, entitled *Midwifery Integration Amendments Act (2022)*, without amendment.

Motion agreed to

Deputy Chair: The matter now before the Committee is general debate on Bill No. 206, entitled *Second Appropriation Act 2022-23*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Deputy Chair's statement

Deputy Chair: Before continuing, I will make a statement on comments made on the point of order in Committee of the Whole.

The Member for Lake Laberge said that another member was "overly sensitive." I don't think that it is irrelevant that the

other member is a woman. When members use language that is routinely used to dismiss women, it contributes to a culture of sexism. Members should refrain from using such language.

Bill No. 206: Second Appropriation Act 2022-23

Deputy Chair: The matter now before the Committee is Bill No. 206, entitled *Second Appropriation Act 2022-23*.

Is there any general debate?

Hon. Mr. Silver: I am pleased to rise in Committee of the Whole this afternoon to speak about Bill No. 206. This bill is otherwise known as the first supplementary estimates for 2022-23 fiscal year. Supplementary estimates are about responding to unanticipated needs, and they are used to make sure that the government has appropriate funding to cover evolving emergencies and emerging challenges.

This year, the story is much the same. The 2022-23 *Supplementary Estimates No. 1* is being used primarily to help Wildland Fire to address requirements — to help deal with the heightened fire season that we experienced this summer. It is also being used for flood-related expenses, as elevated water levels threatened Yukon communities for a second straight year.

I would also like to emphasize that these supplementary estimates reflect only what is needed. Overwhelmingly, they represent higher costs being experienced for delivering existing programs, rather than new initiatives or projects.

In total, the 2022-23 first supplementary estimates contain \$26.2 million in additional gross spending. This is made up entirely of operation and maintenance expenditures, and there is no new capital spending. The result is a revised surplus of \$33 million, which is a change of \$6.5 million from \$39.5 million forecasted in 2022-23 main estimates. The first supplementary estimates also show a revised net debt of \$214 million, which is an increase of \$6.5 million from the mains, which coincides with the increase in O&M spending and revenues. While these supplementary estimates show little change in the government's recoveries picture, it does show a notable increase in revenues of just over \$18 million.

The 2022-23 main estimates include a \$10-million COVID contingency fund, which was reserved in the government fiscal framework to further fund potential support without affecting the surplus or deficit position. This appropriation contains no new drawdowns or changes in the COVID-19 contingency fund.

As mentioned, as well, the entirety of the new spending contained in the 2022-23 first supplementary estimates is in operation and maintenance. The bill contains \$26.2 million in new O&M spending. The bulk of this spending can be found in the Department of Community Services. As part of this bill, the department is seeking \$20.2 million to address the ongoing emergency needs as a result of what we have seen for the last two summers with respect to floods and fires. \$16 million of this new spending is required for Wildland Fire costs associated with a more active fire season seen throughout the territory; \$3.8 million is required for flood-related expenses, particularly for response efforts needed in Teslin, Carmacks, Ross River, and Upper Liard.

This includes costs associated with cleanup efforts happening this fall. This bill also includes \$3.2 million in O&M for the inflation relief rebate that the Government of Yukon announced in March. This rebate is in the form of a monthly credit of \$50 applied to all non-government residential and commercial electricity customers' bills for three consecutive months over the summer. This work is in addition to the other recently announced inflation relief items, which I spoke about during the second reading speech.

With respect to other changes in O&M, we will see a \$1.6-million increase in the Executive Council Office, primarily related to initiatives that help support reconciliation, building strong partnerships and relationships with Yukon First Nations.

Lastly, there is an increase of \$1.4 million in the Department of Economic Development's budget to carry forward amounts included as part of the labour market development agreement and the workforce development agreement, as well as an increase in the performing musicians fund. The result of these changes is a \$1.5-million increase to operation and maintenance recoveries.

Moving to capital, I am pleased to say that, on a net basis, there is no new capital spending. On a more granular level, there is \$5 million rolled forward of costs and recoveries related to the Mayo-to-McQuesten transmission line, as more work was completed this year. This is offset by a \$5-million reduction in Arctic energy fund expenditures, as funding is deferred to future years. These offsetting adjustments are the only changes in capital that have no associated changes in capital recoveries as a result.

On the revenue side, the Yukon government will see a substantial increase as part of the first supplementary estimates. In total, the government will see an increase of \$18.2 million, and this increase is made up of three items. The first and most substantial is the \$15-million payment being received as part of the federal affordable housing in the north program, which I mentioned during second reading as well. The second item is a \$2-million increase to the Canadian health transfer for the territory to address the backlog of surgeries as a result of the COVID-19 pandemic. Finally, \$1 million is being received for land sale agreements.

In the interim, while we try to keep my comments primarily to the bill, I also do want to provide some metrics that are contained within the interim fiscal and economic update, which is regularly released to coincide with the first supplementary estimates. The 2022-23 interim fiscal economic update presents updated expectations for Yukon's finances and the economy since March 2022's fiscal and economic outlook.

Estimates for real GDP — gross domestic product — show that the territory's economy has continued to perform well in the face of recent challenges presented by the COVID-19 pandemic. Preliminary estimates show that Yukon's real GDP grew 9.1 percent in 2021, building on an estimated expansion of 5.2 percent in 2022 and marking the second year in a row that the Yukon has led the country in growth. Growth in real GDP is noted in every year of the forecast, as growth of

4.8 percent is expected in 2022, to be followed by similar levels of growth in 2023 and 2024 at 4.9 and 5.4 percent respectively.

The recovery has continued into 2022 with strong rebound and performance in key Yukon industries like tourism and mining. The latest reports also show that the Yukon's strong economy is increasing growth and competition in the labour market.

The Yukon's unemployment rate averaged 3.9 percent over the first eight months of 2022 — well below the 6.2 average reported for the same period of 2021. As a result, the Yukon again has the lowest unemployment rate in the country, with August figures coming in at a record low of 1.7 percent — the lowest unemployment figure in memory.

This tight labour market also means an increase in wages, as the average across the Yukon rose to \$26.85 per hour or the third-highest in the country and well above the national average of \$24.20.

I will sum up my overview of Bill No. 206 by saying that this government is very proud of the supports included in this appropriation. We will continue to do what's necessary to ensure that the Yukon remains the best place in the country to live, and I am very, very proud of the work we have accomplished to date. I look forward to working with all members as we debate this bill, and I do invite members to use this opportunity to seek clarity on the items I identified. I look forward to progress and productive discussions.

Mr. Dixon: I appreciate the opportunity to rise today to speak in Committee of the Whole to the supplementary estimates, as tabled by the Premier. I appreciate the Premier's comments about the budget and his explanation of what it contains.

Of course, the supplementary estimates are a budget document that affects the public finances of the territory. As the Premier noted, they are also typically contained within a broader document that includes the economic outlook for the territory as well. On the whole, budget documents like this — the economic outlook and other appropriation bills, as such — reflect the general direction of the territory, whether it be in terms of our public finances or the overall direction of the territory; therefore, they are also, of course, as we all know, a matter of confidence. The vote on this bill will, of course, be a confidence vote, so it's important for legislators to indicate their ongoing support of the government — or lack of support of the government — with their vote on matters of confidence like this.

Given the broad nature of the supplementary estimates and the fact that they are about the future of the territory, I have a number of questions about that. In the words of one of the reporters recently, in doing pre-session interviews, the elephant in the room is that the Premier has announced his resignation, pending the conduct of a Liberal leadership election at an unknown time in the future. Of course, that announcement certainly weighs heavy on the future of the territory. It certainly has broad implications for the direction of territory. I think that it is worth discussing a bit with the Premier today.

First of all, I think that one of the more notable aspects of the Premier's announcement was the timing. Earlier this year

in May, we put out a release contemplating the Premier's resignation and asking him to do that in the spring so that the Liberal Party could have their leadership throughout the summer and the new leader could be in place for this Fall Sitting and we could carry on with the business of Yukoners. Of course, the Premier chose not to do that. Instead, he chose to make that announcement just a few weeks ago, immediately prior to the Fall Sitting.

Before going any further, why don't I give the Premier an opportunity to explain a little bit of his thinking with that announcement. Why did he choose the timing that he did? Why has he chosen to step aside from his role? Is it because he feels that there is nothing left for him to do, or does he have some other opportunity ahead that he wants to pursue, or is he just done with public life and wants to carry on? These are questions that I have heard from many Yukoners, including public servants whose work is affected by the Premier's leadership and have asked these questions. I will allow a broad opportunity for the Premier to speak about the timing of his announcement and the reasoning behind it.

Hon. Mr. Silver: Although this isn't about any budget debate that we're having today or any bills, I have also been very clear in the media. I have been asked this question quite a few times. I don't mind reiterating that on the floor of the Legislative Assembly. You know, it comes down to timing, really. I talked about how, after the pandemic — the pandemic was hard on everybody; it was a really hard time for everybody. It makes us all contemplate — I remember having conversations with premiers right across the country about these contemplations and how governments were really poised to be able to work together as a nation. I really hope that politics and politicians come together post-pandemic, because we really need that in these trying times that we are all living in, and looking at what is going on in Ukraine, it really does give people pause.

I think that the biggest pause for me was that our ultimate responsibility, whether we have ministerial roles or roles in the Legislative Assembly, is to our constituents. Yourself, Deputy Chair — making sure that you have the finger on the pulse of your constituency is extremely important — for the Leader of the Official Opposition as well. I really had a gut check this summer after the Robert Service School graduation. There were amazing new families in the community that I didn't know. That hurt a bit because the community gave me everything as a teacher and as an MLA, as well as playing music with people and being able to be part of that community. It has been a wonderful opportunity for both, but when you find yourself in a role where you don't necessarily think that you have a finger on the pulse as much because you go back to your alma mater — the school you taught at, though I guess it's not really my alma mater, but the school I taught at — and you don't know the families. You start to question it. Are you still the person you were or not after a pandemic? Are you still the person after all these roles and responsibilities? I have said that. I said that on the radio a few times. It is tough being the Premier. It is very tough being a Premier when you are a rural MLA as well — a lot of travel involved in that. I really did some soul-searching.

I knew that if I was feeling doubt, then I really needed to work this out, so I talked with my mentors and went forward from there.

So, it is just a decision about making sure that the ultimate responsibility, which is being an MLA — I think that it's time for fresh eyes in that position. Three elections later — I think I did very well in those elections. First election and second election — getting the most votes out of anybody who ran in the Yukon in the first election. So, that was a great honour of mine, and it was 11 years. People think about the job as Premier and that's six years, but there have been five years in opposition before that as well.

So, it was about timing more than anything else. Also, when you start thinking about that, if I wanted to be selfish, I would stick on for a long time and then the party would have to scramble. But I know the commitments of the confidence and supply agreement end in January. Hopefully, we can get that extended with the NDP. When you start thinking about election readiness with the other parties, all of these things come into consideration.

What also comes into consideration is the mandate that we have and the responsibility that we have to Yukoners. It's a matter of using the time that we have, focusing in on the time we have. Somebody asked me what my plans are. I guess the member opposite asked me what my plans are after politics. I don't have any; I really don't. I think the best way to tick off the Creator is to make plans. That's where I am right now. I think my partner and I, when the next election happens, will probably take a month to explore our own backyard here. We'll do some camping, and I haven't made any plans past that. But this is definitely the honour of a lifetime being Premier. This team has done a lot of good.

I'm not going to go through all of that today. I'm going to try to answer the questions very succinctly. When I was making my announcement, I had an opportunity to go through a reflective analysis or summation of the work that we've done over the last six years, and I think that we've done a lot of great work with a lot of great colleagues. Somebody asked me what my greatest accomplishment was, and I think my greatest accomplishment was convincing these folks to leave their comfortable lives, their good lives, and join the team to work hard for Yukoners as constituents.

I'll leave it at that for now, but I'm happy to answer any other questions on the topic.

Mr. Dixon: I appreciate the minister's response there, and I appreciate his honesty and forthrightness in that answer.

There were a number of things that he said, though, that I do want to explore a little bit. The first one was the timing.

The Premier noted that it was the graduation at the school in his riding that sort of prompted him — of course, that was in the spring. The announcement that he made — that he wasn't running — was in the fall, in September. It was also notable to some that he made that announcement the day after the Queen had died. I know that some jurisdictions had chosen to exercise a period of media blackouts where no major government policies or announcements were made, and I want to know whether or not — first of all — did Yukon government have

such a policy in place, and did the death of the Queen not convince the Premier, perhaps, to wait another week or so, or did that not factor into his decision-making around that time?

Hon. Mr. Silver: Quite frankly, it didn't. We prepared for this timing — myself personally and my mentors — and knew that it was the date that we picked. It was very unfortunate to see the passing of Her Majesty at that time. You get to a point where you need to make this announcement — John Horgan said it really well too. When you finally know in your head that you need to step down, now you are holding onto a secret. And that's tough; that is really tough. So, you need to get that out because I can't say to people when they say, "Well, let's do this; we need to do it this weekend." And I am like, well, I really need to make an announcement. So, that was important. I do know that I was criticized, as Premier, by the member opposite's former boss, saying that it was in bad form to be doing anything political during that time — just after he jumped on a plane to go to the national convention for the Conservatives on the federal basis.

I take the point from the member opposite. We made a decision to go forward with the original timing.

Mr. Dixon: Thank you to the Premier for that answer.

One of the things that he said just before in his first answer was that one of the things he considered in considering the timing was that he didn't want his party to be scrambling and he had contemplated — what he said was "election readiness" for the parties. It is pretty clear, at least — the fact that the Liberal Party hasn't made any announcement yet around the time of this — that they are indeed scrambling. I am wondering why he didn't communicate with his own party better to ensure that there was a seamless transition between the Premier's announcement and the party announcing the date and structure of a leadership election.

Hon. Mr. Silver: I appreciate the opportunity to explain that more. It's not the Yukon Liberal Party that's planning any election. We hope to go full term actually; however, whether you are in a majority or minority government, there are always factors in opposition. The member opposite talked about confidence bills. We made some efforts with the NDP over the summer to start looking at an extension of the confidence and supply agreement. In talking to the Leader of the Third Party, I didn't want to use our human resources to continue that dialogue while we prepared for the fall session.

All of these things come toward — the Yukon Party is fundraising, and the NDP are fundraising. These are all variables, and maybe we don't get a confidence and supply agreement extension. If we didn't, then we are heading into a spring session with maybe some unknowns. It would be better to have the Premier who is going to be working on the next election at that time. It's as simple as that. It comes down to the timelines of the confidence and supply agreement and whether or not that gets extended and also knowing that the opposition parties are most likely fundraising and preparing candidates, as they should be — absolutely — but, to be very clear, as far as an election goes, we would love to have a full term. We have set election dates, so we have that date set for 2025 and we

really hope to get there with everybody here, but I can't control what the two opposition parties do.

Mr. Dixon: Just to be clear, I think the Premier perhaps misunderstood which election I was talking about. I was talking about the Liberal leadership election. He said the Liberal Party isn't planning any election, but indeed it is. It is literally planning a leadership election, which will not only choose the next leader of his party but the next Premier of the territory. I think it's certainly a matter of interest to everyone — those working in the public service, those in the private sector, and certainly us as legislators — the process by which the next Premier will be chosen.

That was the question that I wanted to ask. Why did the Premier not liaise better with his own party to ensure that they were ready? Because it certainly appears to all of us that they were not. The fact that we are coming on to six or seven weeks now since the Premier made his announcement and we have heard no details about the nature of the leadership election, the rules for it, and certainly not, most importantly, the time — so that's what I meant by "election", and perhaps I would ask the Premier to respond to that.

Hon. Mr. Silver: As far as the process goes, the executive is ready and are working through our constitution and the timelines and all of that. Part of that, as well, is when the announcement is made, then they go through a process of consultation, starting with all of the elected officials — so, having those conversations, and then the party will determine the timing of the next election for the leader of the Yukon Liberal Party.

Mr. Dixon: I appreciate the Premier's clarification of that. I'll also go back to the timing of the announcement, because I think it's hard to think of a more substantive announcement than the leader of a party — the Premier — stepping aside. I just wanted to ask then — because he's raised it a few times — the nature of that announcement vis-à-vis the confidence and supply agreement with the NDP.

The confidence and supply agreement with the NDP on the very first page says — and I quote: "This agreement sets out a new relationship between the two parties, founded on the principle of 'good faith and no surprises'." On page 2, it goes on, in the consultation section, to lay out a very clear set of rules for consultation. It says: "The Yukon Liberal government will conduct meaningful consultation with the Yukon NDP Caucus on ... major policy issues..." — and — "... events ... with territorial ... implications." So, this is certainly something that is of major issue and certainly something with territorial implications. Does the Premier feel that he lived up to the principle of "no surprises" in his communications with the Third Party regarding this announcement?

Hon. Mr. Silver: Yes, as the member opposite would know, making an announcement of this level, as he says, is something that you really have to have confidence in. I told my team the same day that I told the Leader of the NDP. So, as far as consultation goes and as far as events — yes, I do believe so. I believe we have worked inside the confidence and supply agreement. It sounds like the member opposite doesn't agree, but I think, after talking with the NDP afterward about the

rationale — my reasons — we had a good conversation, me and the Leader of the Third Party, the NDP. We committed, as well, even though we didn't necessarily get an extension of the confidence and supply agreement, that there was a willingness to continue with the time that I do have and to continue conversations and then we'll see what happens as far as an extension after that.

But again, just for the record as well, timing — there are a lot of things that come into this. Is there ever a good time to make this announcement? Probably not. I would say that another one of those pieces is I had an opportunity to go back to Nova Scotia this summer, which is where I was born and raised. That kind of wears on you, as well, about where you're from and where you live and what home is. My sister and I had the same ongoing conversation where we always go back to Nova Scotia at the same time — in August, if we get the opportunity to — and we both kind of agree, after about two days being back there, that we love this place, but it's not home.

That was another part too. You think, when realizing that Yukon is absolutely home and you recognize that every time that you go back — I think we did these 10 years in a row, going — to my sister, Gena, who works as a neurosurgeon in Boston — we made the right decisions in being where we are, because we're part of a community that has given us an awful lot. I have been a part of the community in Dawson City, which has given me everything that I have.

So, all of these things — not just the confidence and supply agreement, not just the Robert Service School — there's a plethora of reasons why you make the decision, and you make it as soon as you actually determine that this is the right pathway forward. Is there good timing? No. I will talk with my colleague, the Leader of the NDP, to see if she has any issues with the ending of my career and the beginning of a new Premier, but I haven't heard any necessary concerns on that so far, from my perspective.

Mr. Dixon: The Premier made the announcement at 10:00 in the morning. I know this just because the media was tweeting furiously a few minutes before saying that the Premier had called a snap press conference, and they were all scrambling to attend it. The first tweets or media coverage that I had seen of it looked like they were just a few minutes after 10:00, so at least one from the CBC was 10:07. I think there were some others from 10:06 and 10:08.

So, if the Third Party or anybody happened to be watching social media that day, they would have learned about that from the media. Would learning about this kind of announcement from the media reflect the principle of "no surprises" in the Premier's view?

Hon. Mr. Silver: Again, is there a perfect timing for this? I don't think that there is. I also mentioned that my announcement to my colleagues was that day as well. I spoke to mentor premiers around the country about what they did and how they did their procedures. I talked to mentors whom I have worked with here, as well, and made the decision to, right away, make this public. I would imagine that if I held back and went into some negotiations with the NDP, the Yukon Party would say, "Why didn't you let us know when you knew?" There

would always be a question about the timing. Was it perfect? Possibly not, but, again, when you know something that you need to tell people, you tell them right away, and again, I spoke with the Leader of the Third Party immediately afterward and had a conversation right away.

Mr. Dixon: My question, I guess, is fairly simple: Why wouldn't the Premier just live up to the CASA? The CASA is what is keeping him in office, at least until January. Is he saying that he did notify the Third Party before 10:00, when he made the announcement, or was it after 10:00, when they learned from the media?

Hon. Mr. Silver: Again, I had a caucus meeting that morning and made the announcement at 10:00. So, the only people who knew of my announcement before 10:00 was my caucus.

I would ask the member opposite: Would he wait until the confidence and supply agreement was over, and would he then leave, maybe leaving his party in the lurch a bit, because there are some unknowns at that time? I would be open to suggestions from the member opposite if he thought there was a better way of doing this, but it's kind of a done deal. It has already been announced.

I have talked with the Leader of the NDP about the announcement afterward. I am not going to get into details of that conversation, because that is between two political parties. To date, this is really the first time that I am being asked if I felt that it was done improperly or not, so I haven't really had that question from the NDP. Hearing it from the Yukon Party — I am open to suggestions, though this will never happen to me again — if the member opposite has some suggestions as to what he would do as far as knowing that opposition parties would be fundraising, that there is an increased probability with every session and every confidence vote coming up, that the confidence and supply agreement ending in January — what would he do?

Mr. Dixon: The reason I ask this is that it appears to me that, based on my reading of the confidence and supply agreement, it is likely that the announcement of his resignation fits the description of an event with territorial implications, and the commitment is to provide no surprises and to communicate on policy announcements like that or announcements like that. I would just be worried that, if the Premier violated the CASA, we may be facing a case where the NDP may view that they no longer support the government and could be voting against this very budget we are debating today.

That's why I asked the question. If I had signed an agreement with another party and committed to do something and I didn't do it and didn't live up to that agreement, I would be worried a little bit that they would feel the same way and they would need to withdraw from their obligations under the agreement, which are, of course, to vote in favour of this budget. So, that's why I asked the question. I am happy to tell the Premier my thoughts on when he should have resigned. I made it clear, along with my colleague, in May when we issued a press release saying that he should have announced it in the spring.

But that being said, is the Premier at all concerned that, in violating the CASA, he puts his government at risk to a non-confidence vote that will occur in the next few weeks?

Hon. Mr. Silver: I guess not as concerned as he is. There are lots of things in working with two political parties. That's difficult, right? We are very passionate about our ridings. We are very passionate about our platforms that we commit to, as elected officials, and every day is tough. It really is tough, but I give credit to the opposition party where credit is due. The NDP have taken up that challenge. There is probably a whole bunch of different issues from time to time that are very frustrating to both, yet here we are still having the confidence of the Legislative Assembly — maybe not with the Yukon Party.

Again, speculative questions or hypothetical questions — I could answer those all day, because we are just speculating, but I don't think, based on the conversations I have had with the NDP, that me retiring is going to trigger a non-confidence vote. Again, there two parties and a whole team behind them that would decide that — whether it's this, whether it's a particular policy — there are a whole bunch of reasons why the confidence and supply agreement could be extended, be terminated at the end of its first incarnation or a confidence vote be taken.

Again, to date, this is the most I have been asked about it, and it seems like the Yukon Party are speculating that this is something that they think is a big deal, as far as the confidence and supply agreement being contravened.

With every single page of that, the NDP would make a decision whether or not they believe that, not the Yukon Party. So far, we are still here and we will see. I mean, I can't predict the future, but I have to say that the relationship that I have with the Leader of the Third Party has been very respectful. We are very frank with each other, and I think that "so far, so good" with the confidence and supply agreement. Are there issues? Is it always smooth sailing? No, of course not, because we are in different political parties, but the respect definitely trumps some of the conflicts that we have had so far.

Mr. Dixon: I appreciate the Premier's response to that, and I suppose that it falls to the Third Party to determine whether that is indeed sufficient.

I will turn then to the leadership election itself — the Liberal leadership election — because, of course, it is critical for the ongoing confidence that this House has in the government, because the successor of the current Premier will need to seek the confidence of the House.

We have opined publicly about the need for clear rules around that leadership election — for the selection of the next Premier. The NDP caucus and the Yukon Party caucus issued a joint statement on October 2 of this year which stated that the Premier must clarify leadership rules for Cabinet ministers. The intent of that statement was our common belief that there is, of course, a long-standing convention in Canadian politics that Cabinet ministers who are running for the leadership of a party step away from Cabinet duties during a leadership campaign. That was what I had stated at the time. The quote from the Leader of the NDP was that it is important that the Premier

publicly communicate clear rules before the Sitting started on Thursday — of course, this was before the Sitting — to ensure that Cabinet positions and resources, as well as public funds and resources, are not used to pursue leadership by any MLA.

Can the Premier respond to our joint position that he really ought to set some clear rules for his ministers who will undoubtedly be seeking to succeed him and will undoubtedly be using their positions as ministers to promote their personal brands in efforts to win the leadership of their party?

Hon. Mr. Silver: I think that I have been clear when the media asked me this in response to the joint statement. I am not intending on putting any extra rules onto my ministers.

We'll work within the executive of the Yukon Liberal Party as far as the rules and procedures of membership drive, the writ period — I believe it's a 45-day writ period in our constitution. My colleagues are going to remain focused on delivering on the commitments to Yukoners. I understand what the member opposite is saying as far as convention, but there's convention and then there are rules. We'll follow the rules. We have a mandate letter. All of my ministers have mandate letters, and my focus and their focus is to get this work done. I said in the media as well that my ministers will be bound by doing their work as they always are, whether it's now or running in an election to seek the privilege of being a premier or anybody else who is not a Cabinet minister right now and may be coming from the general public or from our membership who wants to have that — all of them have to conduct themselves in a manner of professionalism. But I made that very clear in the response this summer to the media. It might not be the answer that the opposition wants to hear, but that is my answer.

Mr. Dixon: So, the Premier said that there are conventions and there are rules. I'm very familiar with the convention. It's a long-standing convention. It's generations old, well understood, and we see examples of it almost yearly throughout the provinces in this country and even abroad if you consider the Commonwealth. What I'm not sure about, though, is what rules the Premier is talking about. So, can the Premier explain? When he said that there are conventions and there are rules, can he explain what rules he is referring to?

Hon. Mr. Silver: I think I did. There are the rules of the Yukon Liberal Party and the executive.

Mr. Dixon: Beyond that, in response to our joint statement, the Premier made a number of comments to local media about this. He said in both the CBC and the *Whitehorse Star* — in the CBC article, I'll quote from it. This is a CBC article from October 5. It says: "In an interview with CBC News..." — I won't say the Premier's name — "... said he will not require ministers to do so, as any candidates would already be bound by existing laws. He said his office consulted the Conflict of Interest Commissioner, who did not raise any concerns.

"So I am not going to enforce any new rules, but I will expect anybody who's running for the honour of being in this role to conduct themselves with the utmost integrity..." — the Premier said.

The *Whitehorse Star* reported something similar. I will quote from the October 4 edition of the *Whitehorse Star*, where

it reads: "I'm confident that anyone seeking the leadership of the Yukon Liberal Party, including current ministers, will do so with integrity in a way that avoids any conflict of interest.' His office has spoken to the conflict of interest commissioner..." — the Premier added.

The Conflict of Interest Commissioner — "... doesn't see any conflicts either, so the Yukon Party can talk about convention as much as they possibly want," he said."

Can the Premier confirm that this is true? Did he seek the advice of the conflicts commissioner about these rules?

Hon. Mr. Silver: Our office did, yes.

Mr. Dixon: So, the Liberal Party office did or the Cabinet Office sought the advice of the conflicts commissioner?

Hon. Mr. Silver: Yes, I made a decision in my caucus to say, "Make sure that everything is fine." One of our staffers did reach out to the Conflict of Interest Commissioner to check — once the opposition is saying what the rules or conventions are. I know that what I say in here matters. They just looked in to see if we were missing anything. Again, I didn't have that conversation directly with the Conflict of Interest Commissioner, but we're not doing anything wrong by doing it this way. If anything, too, the member opposite did start the conversation by talking about the importance of the budget and the importance of the roles and responsibilities.

It would be very tough, you know, to have more ministerial responsibilities on some ministers who may not be running already. As we know, as a small jurisdiction, you have the responsibility of the same number of departments as a bigger province. Education, Highways — every department still needs to be running, and we take on multiple responsibilities. We will maybe just agree to disagree that the best thing for the Yukon would be to add more responsibilities to those ministers. What if every minister wanted to run? Again, I think that our approach is more based on the reality of a small jurisdiction — a minority government — and a group of ministers who conduct themselves very professionally.

The member opposite might not like my response, but this is the way we're going to handle it. We will take it from there.

Mr. Dixon: The reason I ask is because, typically, when members seek the advice of the Conflict of Interest Commissioner, they provide written advice. I am wondering if the Premier received written advice from the conflicts commissioner about this.

Hon. Mr. Silver: That might be typically so, but not so in this case, no.

Mr. Dixon: So, who from the Premier's office spoke to the conflicts commissioner?

Hon. Mr. Silver: I will get that information for the member opposite.

Mr. Dixon: In the media, the Premier said quite clearly that the Conflict of Interest Commissioner didn't see any conflicts, either. Quite frankly, if I may, it doesn't sound like normal language from the conflicts commissioner. The conflicts commissioner is usually quite deliberate and quite legalistic in his responses. For him to make an offhanded

comment on something as serious as this, I just find a little surprising.

So, I would appreciate taking the Premier up on his offer to provide that information, because I think it is very important to know whom it was from his office who spoke to the conflicts commissioner and whether or not any notes were taken, whether or not any advice that could be shared beyond just the verbal commitment in the newspaper about whether or not there is advice that exists from the conflicts commissioner.

Hon. Mr. Silver: I will tell you what the member opposite could do: He could contact the Conflict of Interest Commissioner himself. Contrary to what the member opposite said today — that only the Premier can do such things — that's not necessarily the case. Any elected official in this House can call or write the Conflict of Interest Commissioner. It's well within his purview to do so. If he has questions about the legalities or the rules of the convention from the commissioner's perspective, he knows exactly how to get that information.

Mr. Dixon: Rest assured, we will have time to get to that issue and the conflict of interest act with regard to the former Minister of Health and Social Services in due course, but today, I am curious. In the *Whitehorse Star* article — and I will quote from it again: "His office has spoken to the conflict of interest commissioner, Silver added.

"She doesn't see any conflicts either, so the Yukon Party can talk about convention as much as they possibly want," he said."

It's possible, I guess, that the Premier misspoke and said "she" instead of "he" in regard to David Jones, the Conflict of Interest Commissioner. I am also aware that the Public Service Commissioner would, I believe, identify as "she", so I am wondering if they spoke to the conflicts commissioner, or was it the Public Services Commissioner?

Hon. Mr. Silver: Or maybe it was a misquote, as well.

Mr. Dixon: Okay, thank you. I will take that as the Premier simply misspoke, or perhaps it was misreported by the *Whitehorse Star* — either way, I am unclear.

But I will return to the issue at hand, and that is the nature of having Cabinet ministers actively seek the leadership of a party while continuing to serve as Cabinet ministers. Obviously, this is, in my view, untenable. I think that it is something that has been widely recognized as being inappropriate. It is the reason why you see examples across party lines of different jurisdictions requiring it, whether it was now-Premier Stefanson in Manitoba stepping out of Cabinet to run, whether it was any of the numerous Cabinet ministers in Alberta who ran to succeed Jason Kenney, whether it is the Cabinet ministers in British Columbia — or at least Cabinet minister, I should say, in British Columbia — running to succeed Premier Horgan, all of who stepped aside from Cabinet. The reason is quite clear, that this convention stands that it is inappropriate for people who are sitting Cabinet ministers to seek the leadership of a party because of the potential that they could abuse their positions. We saw this here in Yukon back in 2011, when Jim Kenyon was required to leave

Cabinet to succeed Premier Fentie, and the list, quite frankly, goes on and on and on.

I found it interesting to hear that the former Clerk of the Assembly opined about this, as well, in the media. Dr. McCormick did an interview with the CBC about this, and here is a quote from that interview — and I quote: "There's a sort of an expectation in Canadian politics that when a Cabinet minister is running for the party leadership, that they will resign their Cabinet portfolios for a couple of reasons: One, because you don't want the perception to be out there that they're using their Cabinet position to enhance their leadership prospects. The other thing is that, once a person is involved in a leadership campaign, the time and effort that they're putting into the leadership campaign is time and effort that they're not putting into being a Cabinet minister. So the expectation is that they would resign their Cabinet responsibilities."

This is precisely the point that I have made, that it is unfair to the public service, it is unfair to Yukoners, and it is unfair to potentially — of lesser importance to me — but it is unfair to prospective leadership candidates outside of the Cabinet that Cabinet ministers have access to the powers that they do and the potential to abuse those powers to advance their own leadership campaigns. That is what Dr. McCormick certainly noted, that is what I have noted, and that is what the NDP have noted.

So, I think many of the people in this room have been Cabinet ministers and know how difficult it can be and how time-consuming it can be. To heap on top of that a leadership campaign is simply — in the view of at least Dr. McCormick and myself — unfair to the position of being a minister. That requires effort that does not allow for an additional duty of running to be the next Premier.

So, I would like to ask the Premier a little bit more about that. He has said that there is nothing in the conflicts act about this. Of course, the conflicts act, as far as I know, is silent on this matter, anyway. So, I don't see how that is relevant.

But does the Premier not see the potential for problems with this situation: having Cabinet ministers actively campaigning to succeed him while also trying their best to serve as Cabinet ministers?

Hon. Mr. Silver: Quite frankly, I do not. Again, what if every single Cabinet minister wanted to run for Premier? Would the member opposite say that we would — what? Prorogue? And what would be the option at that point? Again, I believe that my members have proven themselves to be very open and transparent, and very hard-working as well, and I think that there is an ability for us to be able to conduct an election with the members we have in a very professional manner.

The member opposite speaks of bigger jurisdictions that have hundreds of members. We don't have hundreds of members. So, taking all of this into consideration, I'm going to respectfully disagree with the member opposite as far as whether or not we should do it the way we're doing it — but this is the way we're doing it.

Mr. Dixon: I suppose I will disagree with the Premier. He's saying: What happens if all Cabinet ministers run? And I

would point again to my original point that this is why the Premier should have done this in May and allowed the leadership to occur over the summer — so they could enter the Legislature with a new leader. That's exactly why my colleague encouraged the Premier to resign in the spring — exactly for this reason. Because it's clear to everybody — certainly in this Legislature, I'm sure — that the Premier has had one foot out the door for some time now. If he had set the timing of the leadership election and his resignation in such a way, then we wouldn't be faced with this issue where you have Cabinet ministers sitting in the Legislature, pondering whether or not to run for leader, while simultaneously also considering the duties of their office.

So, that would be my suggestion to the Premier — that he would simply have been more careful and thoughtful with the timing of his announcement.

Hon. Mr. Silver: This is now starting to make a lot more sense. The member opposite thinks that the work stops when session stops as ministers. That's profoundly — I don't even know what the word is for that. I guess what he's saying is that, in his theory, these individual ministers could do some callous and unscrupulous things if we're sitting, but in the summertime, it's the summertime. He's playing ball; there's not a lot of work going on in the summer for the members opposite, I guess, but that makes no sense to me.

My ministers work harder in the summer months than when we sit in the Legislative Assembly. The work's done when we're sitting in here for a lot of the — for the most part. The preparation work that we do for the variance bills, the variance reports, the bills — to his logic, it would only be the opportunity to act in a certain unscrupulous way during session. I fundamentally disagree with that, but it's good to finally know. I was wondering why he kept on referencing May. The job is 24/7, 365 days a year.

I know, in opposition, you could be the chair of the Public Accounts Committee and not go to meetings because you're in Hawaii, but we work all summer long. We're working at these times. Again, now I think I understand a little better, but again, a minister is a minister all the time. Yes, there are different responsibilities during the session, but they're still ministers, and to his point of the reasons why he's coming up with now, as far as what he fears, I don't think that would — if somebody was — and these folks won't be — but if somebody was unscrupulous, it's not going to be limited to session. I don't really understand the logic anymore if he's saying: Well, you can do this if we're not sitting, and they wouldn't have to go away from the responsibilities — or maybe I'll let him correct the record if that's not what he's saying, but that is a little confusing to me that session versus non-session is like work and not work, because that certainly is not the way that we conduct ourselves over here in the Yukon Liberal Party.

Mr. Dixon: To be clear, the Premier seems to think that this is, in his words, my theory. This is not my theory; this is a long-standing political convention in Westminster parliamentary systems. This is the case in BC. This is the case in Alberta. This is the case in the Premier's home province where he vacationed for a number of weeks, according to him,

this summer. This is not a case where I've invented some rule or some convention or, in his words, cherry-picked a convention.

This is the long-standing position of Canadian-style democracies, at least. That is why you see people like Dr. McCormick weighing in publicly in the way that he did, explaining that this is the long-standing tradition. For the Premier to suggest that I'm making something up somehow because I participate in ball in the summer or something like that is quite frankly ludicrous. It's a long-standing political tradition and one that he has made the conscious decision not to follow or to deviate from. So, to deviate from this long-standing practice is problematic and, in my view, untenable. I have said that over and over again.

I will allow the Premier to perhaps respond to that before we move on.

Hon. Mr. Silver: You know, I have made myself very clear as to what we are doing and why we are doing it. I do believe that the member opposite is cherry-picking. I will quote from Ken Coates, for example — no stranger to Yukoners. Ken Coates is a professor in Saskatchewan right now, and he says — if we are going to be picking professionals who used to work in the Yukon — that Yukon Cabinet ministers shouldn't have to resign their positions. Again, the member opposite can speak about convention. We now know that if the member opposite finds himself in the position of having a government of his own, he would make his ministers step down. I am assuming this by the nod that he is giving me right now. Again, this particular political observer, Ken Coates, said that basically, for the same reason that I just said, if their colleagues step down, their colleagues would have to take on even more — quote: "In a small place, you are basically asking the government to sort of give up on itself." Is that what the member opposite wants us to do? I think so. That would be very politically advantageous to him, that's for sure. Maybe I'm cherry-picking right now too by taking Ken Coates' side of this argument, but, again, the member opposite can continue to push what he would do. I really appreciate knowing that and Hansard will record that, but I believe that we are doing this in a way that is open and transparent in that, when I made my decision, I very quickly told people about it. I agree with Ken Coates when he says that you don't have enough bodies to fill all the positions that you have and that you lose a really important part of continuity and political stability at a time when that is at a premium. It is difficult to govern in a minority, but, for the reasons of the size of our Legislative Assembly, this is the pathway we are taking going forward. Really, for the record, I have not heard a lot of complaints from Yukoners on this issue.

Mr. Dixon: I hadn't intended to proceed with a further line of debate around the Conflict of Interest Commissioner, but since the Premier raised it, I will do so.

As he is probably aware — and will have read from the documents that were tabled in the Legislature earlier today — on September 21, my colleague wrote to the Conflict of Interest Commissioner to raise concerns with the conduct of the former Minister of Health and Social Services with regard to the Old Crow health and wellness project. The response from the

Conflict of Interest Commissioner was also tabled. That was a letter dated September 28, 2022 to my colleague, the MLA for Pelly-Nisutlin. I would encourage the Premier to read that letter, because it is clear that he has not yet. He seems to be under the impression that members in general can ask for advice about whether or not a former minister is in a conflict of interest. That is not the case.

What the Conflict of Interest Commissioner suggests in the letter to us, which we have tabled, is as follows — and I quote: “Section 17(b) does provide that the Premier may request the Commission’s advice about whether or not a Minister or former Minister is or would be in a conflict of interest. That prerogative, however, lies with the Premier; section 17(b) does not provide that another Member may make a request for such advice.”

As I stated earlier today in Question Period, the only person in this Legislature who can ask for the Conflict of Interest Commissioner’s advice on the matter is the Premier. So I will ask the question that I asked in Question Period again today, and perhaps he can explain with a little more length and perhaps in a little bit more of a more robust way why it is that he is refusing to seek the advice of the conflicts commissioner in this matter.

Hon. Mr. Silver: I will chalk this up, again, to the only folks who think that there is a conflict here — the Yukon Party. I do not.

Mr. Dixon: In the Premier’s mandate letters to all of his ministers, he requires that they all proactively seek out the advice of the conflicts commissioner on matters of conflicts of interest. As I have explained, there is at least a reasonable case to be made for advice to be sought in this case, and the Conflict of Interest Commissioner is there for us — for the Legislature, for the Premier, and others — to seek the advice of on these matters.

The Premier is now saying that it is his personal view that — in his interpretation of the act — there is no conflict of interest, but I wonder why he is so resistant to the idea that he might just seek the advice proactively, as he requires his ministers to do in their mandate letters, to seek the advice of the Conflict of Interest Commissioner so that this matter can be put to bed.

Hon. Mr. Silver: To answer one of the member opposite’s questions, I have not seen what the member opposite tabled today yet. They usually surface around 3:00 p.m. and I haven’t seen it. I went and spoke with the media and heard what they had to say in the media about it.

I guess my question to the member opposite is: Is he saying that he cannot go to the Conflict of Interest Commissioner and report or file what he believes is a conflict of interest?

Mr. Dixon: That is exactly what I am saying, and I am not saying it because I have made this up; it is because that is what the Conflict of Interest Commissioner told us by letter, which we tabled earlier today.

Hon. Mr. Silver: We did take a look at section 17, which mentions “all members of the Legislative Assembly”, so what we will do is we will respond once I get a chance to read the member opposite’s letter. I believe that it has more to do

with seeking advice as opposed to actually registering a complaint.

But again, if I am wrong on that, then I will do what I have asked the member opposite to do when he misleads or says something wrong in the Legislative Assembly; I would correct the record immediately. I am still waiting for him to correct the record on a few things.

But again, I will take a look at his letter and I will take a look again at the act as well, but I am staying steadfast by my position that this is not a conflict and we have not done anything in that context of a conflict, and the member opposite should know the ATIPP act — as far as people who then leave Cabinet and their responsibilities to register as lobbyists, the cooling-off period, and all of those things. But again, in my opinion, as far as looking at this situation in the spring and it is being reiterated in the fall, I don’t see a conflict where the member opposite does.

Mr. Dixon: So, a few things there. First of all, it is the conflict of interest act, not the ATIPP act. I know that it was probably just a slip of the tongue by the Premier, but it is important to be precise in these matters because the conflict of interest act is quite clear that only the Premier can request the commissioner’s advice about whether or not a former minister is or would be in a conflict. Again, that’s not my opinion; that is the opinion of Mr. Jones via the letter that we tabled earlier today.

So, if the Premier will accept that for a moment — and he has offered to perhaps even retract his statement. I’m not sure exactly what he offered there. But if he is indeed able to read the letter and determine that what I have said is accurate — an accurate portrayal of Mr. Jones’ comments — will he then seek the Conflict of Interest Commissioner’s advice about this matter?

Hon. Mr. Silver: Let’s be clear. I have no intention of seeking the Conflict of Interest Commissioner’s advice on this because, again, I don’t believe that anything was done inappropriately. I will take a look, as far as correcting the record, at the full section 17 and what the limitations of all members versus myself are and also the responsibilities therein. But again, I have been on record quite a few times saying that I don’t see a conflict here. The Yukon Party does, but, then again, they do have a tendency to attack individuals in the Legislative Assembly; we’ve seen that with character assassination this time last fall. This, to me, is a continuation of that political lean, and I do not see a conflict in the situation. I guess we’ll agree to disagree on that.

Mr. Dixon: So, the Premier is asking that we in the opposition and that Yukoners in general accept his interpretation of the act when we have at our disposal a Conflict of Interest Commissioner whose specific job is to provide legal advice with regard to the conflict of interest act. The Premier and his — well, at least the Minister of Highways and Public Works has, on numerous occasions, challenged us, if we have a complaint, to make it to the commissioner. We have done that. We wrote a letter to the commissioner on September 21 and made a series of comments and asked a series of questions of the Conflict of Interest Commissioner. His response was clear:

that the only person who can seek the advice about this matter is the Premier.

So, I hope the Premier can understand that, while he may be assured in his interpretation of the act, not all Yukoners are, and we certainly aren't on this side of the House, at least in the Yukon Party caucus. All of this can be dealt with and put to bed if the Premier simply writes a letter to the Conflict of Interest Commissioner and asks for his advice. Because then we would have an independent conflict-of-interest lawyer to weigh in and provide us with that advice. If the Conflict of Interest Commissioner weighs in and says that there is no conflict of interest here, I will be more than happy to move on from this. But it takes the Premier, and only the Premier, to make that request. Again, will he make that request?

Hon. Mr. Silver: Just to be clear, is the member opposite saying that they did form a complaint — that they formalized a complaint with the commissioner? I just want to make sure. As the member opposite said, words are important in here. Did the member opposite make a formal complaint about this issue? Yes or no?

Mr. Dixon: We tabled a letter earlier today that we wrote to the conflicts commissioner seeking the advice — the exact advice that we want the Premier to seek. In fact, if he would like, I could read it: “I write in relation to the conduct of a former Minister ... and concerns that have arisen pursuant to the *Conflict of Interest (Members and Ministers) Act*.”

“During debate in the Yukon Legislative Assembly, the current Minister of Highways and Public Works made several statements that indicated that...” — the former minister — “... may have contravened the *Conflict of Interest (Members and Ministers) Act* (herein referred to as ‘the Act’). Upon further questioning in the Legislature, and through public statements in local media, the current Minister has made further statements that have increased the perception of a contravention of the Act.

“By way of letters on July 11, 2022, and subsequent on August 24, 2022...” — which were attached to the original letter — “... I requested that the current Minister provide all records related to meeting agendas, minutes, notes, and correspondence regarding meetings between the former Minister and Yukon Government departments. To date I have received no reply.”

I should note that, since this letter was sent, we have received a reply and were directed to a legislative return, which provided very little information.

I will continue: “Having received no reply to these inquiries, we are left with no other option but to reach out to your office to request assistance. We would like to request that you consider this matter and provide advice. Furthermore, we would ask if you have received or given an exception pursuant to Article 13 of the Act.

“For your review, here is the wording of section 10(4) of the Act:

“A former Minister shall not make representations to the Government of 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.”

I won't go on further, Chair, because the letter is quite long. But suffice it to say that we reached out to the conflicts commissioner to ask his advice about whether or not there was indeed a conflict. As he has indicated to us, we are not able to ask his advice about a former minister. Only the Premier can ask about a former minister. So, we cannot table the complaint or make a claim about a former minister. Only the Premier can do that. That's what the new Conflict of Interest Commissioner says quite clearly in his letter that we've tabled.

He makes it very clear that this prerogative rests strictly with the Premier. To quote from the letter: “That prerogative, however, lies with the Premier; section 17(b) does not provide that another Member may make a request for such advice. And, as noted above, section 17(d) does not permit a current Member to make a complaint asking the Commission to investigate whether a former Minister has breached the Act.”

We cannot make a complaint to the conflicts commissioner about a former minister. That is strictly the purview of the Premier. The Premier could set all of this aside if he were just to write to the conflicts commissioner and ask for his advice about this matter. Nobody else in this room can — only the Premier. Perhaps, after the leadership election, one of these other people here will be able to do so, but, as it stands right now, the MLA for Klondike is still the Premier, so he has to exercise the ability to ask for the advice of the Conflict of Interest Commissioner. Nobody else can. Nobody else can.

So, again, I will conclude by asking the Premier to make that request to the Conflict of Interest Commissioner, but we will have to pick this up another time.

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

Chair: It has been moved by the Member for Copperbelt North that the Chair report progress.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. Blake: Mr. Speaker, Committee of the Whole has considered Bill No. 18, entitled *Midwifery Integration Amendments Act (2022)*, and directed me to report the bill without amendment. Committee of the Whole has also considered Bill No. 206, entitled *Second Appropriation Act 2022-23*, and directed me to report progress.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

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

The House adjourned at 5:29 p.m.

The following documents were filed October 19, 2022:

35-1-74

Summary of Findings of the Independent Officer Review
— Office of Investigative Standards and Practices – E Division
RCMP (McLean)

35-1-75

Conduct of a former minister, letter re (dated September 21, 2022) from Stacey Hassard, Member for Pelly-Nisutlin, to David Phillip Jones, Conflict of Interest Commissioner (Hassard)

35-1-76

Jurisdiction to receive a complaint, letter re (dated September 28, 2022) from David Phillip Jones, Conflict of Interest Commissioner, to Stacey Hassard, Member for Pelly-Nisutlin (Hassard)