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HANSARD

Tuesday, October 25, 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

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

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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
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Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, October 25, 2022 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Pillai: I would like to ask my colleagues to welcome some individuals who are here with us in the Legislative Assembly today. We will be doing a tribute to Nun cho ga. I would like us to welcome: Mr. Grant Zazula, from the Department of Tourism and Culture; Jeff Bond, from the Yukon Geological Survey; Derek Cronmiller, as well from the Yukon Geological Survey; and Brooke Rudolph, executive director of the Klondike Placer Miners' Association.

Applause

Hon. Ms. McLean: I would ask my colleagues to help me to welcome a special guest, Ayesha Ahmad, here today for a tribute on the Yukon Period Pantry.

Applause

Mr. Cathers: I would like to ask members to join me in welcoming a constituent of mine, Peter Wojtowicz, to the gallery here today.

Applause

Speaker: Are there any tributes?

TRIBUTES

In recognition of woolly mammoth calf Nun cho ga

Hon. Mr. Pillai: I rise today on behalf of the Yukon Liberal government to pay tribute to Nun cho ga, the mummified woolly mammoth calf recovered from the Klondike goldfields on the traditional territory of the Tr'ondëk Hwëch'in.

On June 21, 2022, Brian McCaughan and his team at Treadstone mining uncovered what turned out to be the first near-complete and best-preserved mummified mammoth specimen ever found in North America, while working on Eureka Creek. This is a culturally and scientifically significant discovery for Tr'ondëk Hwëch'in and the Government of Yukon.

Tr'ondëk Hwëch'in elders visited the recovery site shortly after the recovery to honour their ancestor and bestow a traditional name, Nun cho ga, which translates to "big baby animal". The Yukon has long been a leader in Beringian research with a world-renowned fossil record of ice age animals, including the mummified wolf pup Zhùr, which made

global headlines in 2016. An initial examination of Nun cho ga suggests that the calf is female and roughly the same size as the 42,000-year-old infant woolly mammoth discovered in Siberia in 2007.

Geologists from the Yukon Geological Survey and, as well, from the University of Calgary who recovered the frozen mammoth on-site suggest that Nun cho ga died and was frozen in permafrost during the ice age over 30,000 years ago. These amazing ice age remains provide an extremely detailed glimpse into a time when the woolly mammoth roamed the Yukon alongside wild horses, lions, and steppe bison.

Since she was uncovered in the permafrost this summer, Nun cho ga has created quite a stir in the Yukon and beyond. In the months and years to come, much work will be completed to respectfully preserve and learn more about Nun cho ga and share these stories and information with Yukoners and the global scientific community. The successful recovery of Nun cho ga was possible because of the strong partnership between the mining community, Tr'ondëk Hwëch'in, and the Government of Yukon's Department of Environment, the Yukon Geological Survey, and the Yukon paleontological program.

A special thanks goes to the Treadstone mining team for their conscientious and enthusiastic cooperation throughout. Our thanks also go to Jeff Bond and Derek Cronmiller of the Yukon Geological Survey, and Dan Shugar, Jackson Bodtke, and Holly Basiuk from the University of Calgary, for quickly and diligently ensuring that the mammoth was safely removed from the mining site and that important peripheral data was collected.

Of course, our continued gratitude to Tr'ondëk Hwëch'in Chief and Council, elders, and heritage staff for their guardianship and guidance as we work together to respectfully care for this miraculous creature. Without partnerships such as these, a discovery of this magnitude would not be possible.

We are thrilled about the discovery of Nun cho ga and the promise of further cultural and scientific value that lays ahead. She is an unprecedented find who has much to tell us about the Yukon's fascinating ice age past. Thank you.

Applause

Ms. Van Bibber: I rise on behalf of the Yukon Party Official Opposition to pay tribute to a baby woolly mammoth. Eureka — no, not a gold find, but on Eureka Creek south of Dawson City, Yukon, a mummified female baby woolly mammoth was unearthed.

It was found around noon by a mine operator in the goldfields on the longest day of the year, June 21, 2022. It was also a Yukon holiday, National Indigenous Peoples Day. Work was immediately halted, people notified, scientists came, and amazement and wonder were expressed by all involved. It was one of the most important discoveries in North America. To find a near-complete, months-old mammoth with skin and hair. This find is only second in the world for such a complete specimen.

Treadstone mining owner, Brian McCaughan, was equally excited and stated, "There will be one thing that stands out in a

person's entire life, and I can guarantee you this is my one thing."

When Government of Yukon paleontologist Grant Zazula and others arrived, they could not believe what they were seeing and knew they were involved in a find that was of world interest and very rare.

They recovered the animal and transferred it to Dawson City where the Tr'ondëk Hwëch'in community gathered with leaders and elders to witness her and pray. It was very moving and spiritual for all those who were present. It was here that she was named Nun cho ga, or "big baby animal" in the Hän language. Between the Tr'ondëk Hwëch'in government, the Yukon Department of Environment, the Yukon Geological Survey, and the Yukon palaeontology group, all will ensure Nun cho ga is treated with respect, and yet will give us so much information on how her world must have been 35,000 to 40,000 years ago.

To the miners and all who work in the remote areas of Yukon and who are so aware of the importance of these finds — and although it closes work for a bit, it gives the world a window into the magic of yesteryears — thank you for all you do for the science world.

The government departments that worked tirelessly to ensure we have these treasures preserved and documented for Yukon and the world, we appreciate you sharing your skills — well done. To the people of Tr'ondëk Hwëch'in, for the respectful way Nun cho ga was introduced to the world and for the prayers given for her so we can learn from her for future generations, thank you.

Applause

Ms. Blake: I rise to pay tribute to Nun cho ga and the wonderful community of people who came together to preserve this amazing discovery. We give thanks to the placer miner worker who first saw Nun cho ga coming from the permafrost. This wonderful person immediately recognized that this was something important and took the right action. Thank you.

We give thanks to the scientists and the field staff who got the message of this discovery. As luck would have it, there was a team close by, which immediately headed to the site and took steps to protect Nun cho ga and the site where they were discovered. We give thanks to the volunteer in Dawson City who was able to provide the freezer space to protect Nun cho ga from further harm. So much could have been lost without that.

We also give thanks to the Tr'ondëk Hwëch'in First Nation elders and members who came together to pray, to give thanks, and to name this big baby animal, Nun cho ga. The First Nation recognized the importance of this find and has taken on the responsibility of being the guardians and protectors of this beautiful baby woolly mammoth.

Lastly, we give thanks to Nun cho ga for revealing themselves to the world. This amazing gift will keep scientists, Yukoners, and people around the world learning more every day of what our land looked like, who roamed on it, and what grew on it.

Thank you, Nun cho ga.

Applause

In recognition of Yukon Period Pantry

Hon. Ms. McLean: I rise on behalf of our Yukon Liberal government to pay tribute to the Yukon Period Pantry. Two young women, Ayesha and Abeer Ahmad, recently established the Yukon Period Pantry, which is the first of its kind in Whitehorse. It operates on a "take what you need and give what you can" basis. It is solely supplied by community donations from businesses and individuals. I would like to do a special shout-out to Riverside Grocery for the largest initial donation to this very special project.

The Yukon Period Pantry is located at 407 Black Street in front of the Yukon Aboriginal Women's Council, which is hosted at no cost to the project. Also, I am told that there are many volunteers and partners that provide storage and monitoring of supply levels; however, Ayesha and her sister stock the pantry personally every day.

The Ahmad sisters hope that this will encourage period pantries in other Yukon communities as, unfortunately, period poverty is a reality for many Yukoners. Period poverty refers to financial barriers that women, girls, and gender-diverse people experience related to the affordability of menstrual products. It is estimated that northerners pay more than double the price for menstrual products as compared to our southern counterparts.

Although Canada removed the sales tax in 2015 from menstrual products, the high cost of these essential items is out of reach for low-income women and gender-diverse individuals. The Government of Canada recently launched a \$25-million menstrual equity fund that will help address some of these problems. Along with the Yukon Period Pantry, other initiatives are underway across the territory. With funding from Indigenous Services Canada and Yukon government, the Council of Yukon First Nations is distributing period products in schools throughout the Yukon. Back in 2020, Blake Lepine, a local artist and a member of the Carcross/Tagish First Nation, raised over \$5,000 to purchase menstrual products for local high schools and non-profit organizations. I am encouraged by the leadership of our citizens to address financial barriers experienced by women and gender-diverse Yukoners. You can follow the Yukon Period Pantry on Instagram and Facebook, and you can also volunteer there or make a personal donation.

I ask all members to join me today in recognizing the Ahmad sisters and their leadership to establish Yukon's first period pantry.

Applause

Ms. Clarke: Salamat. I rise on behalf of the Yukon Party Official Opposition to recognize the efforts of two sisters and a team of volunteers who have launched the Yukon's first period pantry to bring menstrual hygiene products to those who are unable to afford or access them.

Menstruation is a normal part of life for half the world's population. Unfortunately, for many, so is period poverty. I know what poverty means, as I have seen and lived poverty. Where I came from, young girls used clean cotton underwear or face towels folded in half, and used them for their period. These are not disposable products. They are washed and cleaned. Social and financial constraints affect so many, and the

cost of menstruation can be detrimental — not only the financial cost, but the cost to mental health and dignity for those who have barriers to accessing products.

This Yukon-grown initiative by the Period Pantry team is incredible. Co-founders Ayesha and Abeer Ahmad saw a problem, and they decided to fix it. People can access the Period Pantry at any time, anonymously, in front of the Yukon Aboriginal Women's Council at 407 Black Street. It is stocked daily with donations from local businesses and individuals.

I would also like to give a special mention to another initiative, one that allows for the purchase and availability of period products in schools across the Yukon — a partnership between the Council of Yukon First Nations, Indigenous Services Canada, and the Government of Yukon. This collaboration helps to ensure menstrual equity among students and is a welcome addition to our schools. Thank you to the entire Period Pantry team.

When I was chair of the Yukon Advisory Council on Women's Issues, I wanted to see menstrual products free all over the Yukon. The efforts of these caring Yukoners have paid off, and I am happy to stand in recognition of a wonderful initiative that I hope will spread to more Yukon communities. Thank you.

Applause

Ms. Tredger: I rise on behalf of the Yukon NDP to pay tribute to period pantries and all the people making them happen.

Period products aren't cheap, and they are more expensive in rural and northern communities. It's pretty miserable if you can't afford them. I have heard stories from people who used rolled-up toilet paper as tampons for years. Having access to period products is about dignity.

So, thank you to the people and organizations who are restoring that dignity by making period products available to everyone in the Yukon, free of charge.

Congratulations to Abeer and Ayesha Ahmad for starting the Yukon Period Pantry here in Whitehorse. This mutual aid project has empowered more of us to care for each other in a meaningful way. Anyone can access the products they need at the beautifully designed, little red period library just outside the Yukon Aboriginal Women's Centre.

Thank you to Council of Yukon First Nations for their work in distributing period products throughout rural Yukon communities where the cost of products is even higher, and thank you to all of their community partners who connect people with the products they need.

Freely available period products are an important measure when it comes to fighting poverty and gender discrimination. We are proud and grateful for the work that has been done to make period products accessible in the Yukon.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Streicker: I have for tabling a letter from the Yukon Agricultural Association.

Mr. Istchenko: I have a letter for tabling from the Yukon Outfitters Association addressed to the Minister of Community Services and the Minister of Environment, dated October 24.

Mr. Hassard: I have for tabling a document from the Municipality of Skagway regarding the port.

Mr. Cathers: I have for tabling a letter from the Yukon Agricultural Association to the Minister of Environment and the Minister of Energy, Mines and Resources regarding the Yukon *Animal Protection and Control Act*.

Ms. White: I have for tabling letters from the Liard First Nation, Little Salmon Carmacks First Nation, Kwanlin Dün First Nation, Teslin Tlingit Council, and the Council of Yukon First Nations in support of proposed amendments to the *Oil and Gas Act*.

Ms. Blake: I have for tabling a letter from the Council of Yukon First Nations and the First Nation of Na-Cho Nyäk Dun in support of Bill No. 305.

Speaker: Are there any reports of committees? Petitions.

PETITIONS

Petition No. 13 — response

Hon. Ms. McPhee: Mr. Speaker, I rise to respond to Petition No. 13. I thank the member opposite for tabling that petition, and I thank all those who considered this issue and signed the petition.

The Yukon pharmacare and extended health benefits program is available to individuals over the age of 65, and their spouses if they are over the age of 60, to assist with the cost of prescription drugs, medical supplies and equipment, dental care, hearing aids, and optical services, all as outlined in the pharmacare plan regulation and the extended health care benefits regulation.

Rates for certain benefits under the Yukon pharmacare and extended health benefits program have been increased since 1999. Just one example is the coverage for lenses and eye examinations, which were increased as recently as October 2022. While coverage for other benefits, including dental and some pharmaceutical coverage, have not kept pace with the cost of goods and services, we are committed to ensuring that Yukoners have access to services and supports. Our work to expand access to health care for Yukoners is being guided by the recommendations in the *Putting People First* report.

Effective August 1, 2022, we increased the coverage for an eye examination amount. Given the impact of inflation and what it is having on the cost of materials, effective

October 1, 2022, we increased the coverage for basic lenses. These increases were informed by discussions with local small businesses and Yukoners to address costs.

Under the extended health care benefits regulation, we currently provide coverage for the cost of dental care, including dental restorations, dentures, and preventive services, upon approval by the director of an application made by a dentist, subject to the following limitations: the amount received by any one eligible beneficiary should not exceed \$1,400 for any two consecutive years; a review of those amounts is committed to; coverage includes a complete denture, a reset, a partial denture, or for an arch or a reset. Dental services are paid in accordance with the fee guide, which is developed and updated annually by the Yukon Dental Association.

The Yukon pharmacare program currently provides coverage of the total cost of the lowest priced generics of all prescription drugs listed on the Yukon pharmacare formulary, including the dispensing fee. Eligible Yukoners enrolled in the pharmacare and extended health benefits program do not need to pay for approved drugs listed on the formulary should they meet the medical criteria for having that kind of coverage. All Yukoners enrolled with the Yukon health care insurance plan can access critical medical services and treatment through a primary care provider.

We have made significant investments in our growing orthopaedic and ophthalmology programs, which is of importance for Yukon's aging population. The orthopaedic program provides a range of surgeries to Yukoners, including completing our very first in-territory hip replacement surgery in late 2021, and those surgeries continue here in the Yukon. Ophthalmologists provide cataract assessments and surgeries at the Whitehorse General Hospital here in Whitehorse, and we continue to work together to reduce the wait times for both of these services. Of course, you can still access those services under our medical travel program.

We have increased supports available through the medical travel program for those who need to leave their home communities to access medical services, including by introducing a medical escort policy and by doubling the medical travel subsidy. As part of our work to implement a territory-wide dental program, policies are under development to increase support for seniors who meet the eligibility of the new program and are not covered by one of the other programs.

Our strategy to improve services for Yukon seniors exists in the *Aging in Place Action Plan* and continues to be implemented. Implementing the recommendations of the *Putting People First* report, which includes recommendations related to the delivery of pharmaceutical and extended health care benefits, is a key priority and our pathway forward for improving services.

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

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to meet with the City of Whitehorse and Whistle Bend green street residents to find a solution that meets the contractual obligations in the government's sale agreements with homeowners.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to address the drainage issues on Whistle Bend green streets in advance of potential spring flooding of lots and homes.

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

THAT this House urges the Yukon government to work with provincial governments and the federal government to establish a harmonized national licensing pathway for nurses which includes a streamlined process for verifying the credentials of foreign-trained nurses and helping them complete any additional training that may be needed in a timely manner.

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

THAT this House urges the Government of Yukon to meet the obligations of the Department of Education under the student protection policy at the Gadzoosdaa student residence by:

- (1) immediately addressing staffing issues through prompt recruitment;
- (2) meeting with the executive councils of Yukon First Nations that send students to the Gadzoosdaa student residence; and
- (3) increasing the staffing budget of the Gadzoosdaa student residence to support adequate staffing of the residence.

Speaker: Is there a statement by a minister?

MINISTERIAL STATEMENT

Better Buildings program

Hon. Mr. Mostyn: I rise today to highlight the launch of the Better Buildings program. Through the nation-leading climate change plan, *Our Clean Future*, we made a commitment to Yukoners to support energy-efficient upgrades to buildings and homes. It is not only an important step in fighting climate change and reducing our emissions but will also add value to Yukon homes and buildings, while saving Yukoners money on energy costs.

The Better Buildings program is now available to rural, residential, and commercial property owners, including in unincorporated communities. This program makes energy retrofits more accessible for property owners. Twenty-five percent of the assessed value of the property to a maximum of \$50,000 per home and \$100,000 for commercial buildings is available to support retrofit projects. The money is recouped through a local improvement tax added to the annual property

tax bills over a five-, 10-, or 15-year term at the Bank of Canada interest rate — the lowest interest rate in the country. This low interest rate will help give property owners the flexibility they need to take on energy-efficient retrofit projects to reduce their energy use and save money.

The Better Buildings program relies on the assessed value of the property and up-to-date property taxes, unlike a commercial loan or mortgage. Property owners who might not be able to afford an energy retrofit improvement through other means will be able to do so with this program. The loan is associated with the property; this means the cost and benefits stay together.

When the property is sold, any amount owed under the local improvement tax could transfer to the new owner. The new property owner would continue to benefit from the low energy cost while repaying the funding through property taxes. This is similar to the rural electrification, telecommunications, and domestic water well programs.

We are grateful to the Association of Yukon Communities partnership and with their municipal representatives who worked with us to improve the program design. As part of the program delivery, there is a one-time administrative fee of \$500 to help defray the costs to set up the program. Municipalities can now review the regulations and decided whether to make the program available in their communities. We look forward to municipalities signing agreements to participate in opening the door for a Better Buildings program in their communities.

The Better Buildings program is another tool to help us reach the target of retrofitting 2,000 residential, commercial, and institutional buildings by 2030, as part of *Our Clean Future*.

Ms. McLeod: Thank you for the opportunity to respond to today's ministerial statement regarding the Better Buildings program. I know everyone in this House supports efforts to address the effects of climate change, and this program is one of those efforts. First, I would like to commend those behind the scenes who have worked for over a year to get this program up and running after some concerns were raised by us and by municipalities.

Speaking of municipalities, I also need to thank the Association of Yukon Communities for their work to help with the establishment of the working group that has led to today's official program announcement.

Mr. Speaker, this program has been the subject of debate in this Assembly last fall and in the spring. Hopefully, with the program now in place, the minister can answer some questions that we brought up previously. If a client defaults on a program loan, who will be responsible for collecting the money? How will it be handled? Municipalities had concerns about the administration burden of the program. Can the minister tell us how that has been lifted from the shoulders of municipalities?

The Minister of Energy, Mines and Resources told this morning's media briefing that 2,000 buildings will be retrofitted under the program by 2030. Will that target be achieved if not all municipalities sign on? With other inflationary pressures, some residential and commercial

property owners may not want to take on more debt. What does the minister say to those Yukoners who have already reached their financial limits?

In closing, I want to thank all those who helped to make this program a reality, and we do hope that this is a successful program that achieves its stated goal of reducing greenhouse gas emissions.

Ms. White: The Yukon NDP wishes to thank those who have worked so hard to make the Better Buildings program a reality, from those who developed it, the municipal leaders who brought forward their concerns, and the AYC working group that helped the minister cross the finish line. We are delighted to know that the Liberal government listened to the concerns raised by municipal leaders and that today we have a program that is supported across the territory. We agree that an energy-efficient home makes sense, both for the dweller and for the planet.

Mr. Speaker, I love energy efficiencies and the technology and practices that can really make a home work for people. I accessed the Yukon home improvement loan back in 2013 for just this reason. My 1958 duplex was built by the army and it was a lot of things, but it certainly wasn't energy efficient. I sought out energy improvements to make it more comfortable and to reduce my own environmental footprint. I used up the maximum allowance of \$35,000 insulating and re-siding three sides of my modest home. Even at the time, I raised concerns that being able to borrow \$35,000 wasn't enough. Now, if we really want folks to make changes to their homes and make them more efficient and cost effective, they need to be able to borrow the money.

In 2016, the Yukon Housing improvement loan amount was increased to \$50,000. As I had already paid down a portion of my loan, I went back and applied again because I really didn't want to be dependent on oil to heat my home. I had an air-source heat pump installed and, Mr. Speaker, it's great, but it wasn't cheap. I needed to upgrade my electrical system to 200 amps, install a new power pole, and pay for both the removal of my old furnace and fuel tank and the installation of my new system.

Maybe folks are curious as to why I am mentioning all of this. Well, all of that work cost me nearly \$30,000. That means that, so far, I have put in at least \$65,000 that I borrowed from the Yukon government toward making my home more energy efficient and kinder for the planet. Last year, my tax assessment came in below \$100,000. With the current plan, accessing 25 percent of that means that I wouldn't be able to even access \$25,000. That amount would not have even nearly covered the cost to insulate the three exterior walls of my duplex or to install my high-efficiency heating system.

Mr. Speaker, I live in the City of Whitehorse and my tax assessment is less than \$100,000, so where does that leave rural Yukoners? It is my hope that, now that the program is rolling, if changes are required, there will be the political will to listen to the experiences of Yukoners and make the required changes to make this program truly work.

Hon. Mr. Mostyn: I thank the members opposite for their responses to this ministerial statement this afternoon. It is very important. I am glad to see the commitment made on the opposition benches to improving how the territory does when it comes to reducing greenhouse gases.

To the member of the Third Party, I will say, as I have said to many I have worked with in government — the concept of perpetual improvement. Government can't — and often doesn't — launch projects that are 100-percent sound right out of the gate. Very few institutions ever do. What you have to do is get the program out of the gate and then improve it as you go. I think that this is a very important concept in these days — to make sure you are adept, you assess, and you take action to improve the projects that you launch when you launch them.

To the Member for Watson Lake, thank you. She had a couple of questions. We worked very, very hard with the Association of Yukon Municipalities and municipalities across the territory when launching this program. We worked very well together. We had a committee struck that worked through some of the issues, and we had buy-in from the Association of Yukon Communities, and I was glad to have the president of the Association of Yukon Communities with me this morning when we made our announcement. I really do appreciate the work that we saw from the Association of Yukon Communities and municipalities across the country in instituting this program. We have actually put in a fee program, which will help compensate municipalities for the work they do in collecting the money through this program.

We heard from municipalities that the rural well and electrification program that the Yukon Party put in didn't go far enough, so we have actually improved the money that we are spending on municipalities to make sure that they get the money back for instituting this program on our behalf.

The Better Buildings program is a truly innovative program that will help Yukoners make their homes more efficient and help our territory meet our commitments under *Our Clean Future*. Specifically, as I said before, it will help us reach our goal of retrofitting 2,000 residential, commercial, and institutional buildings by 2030. These upgrades will also reduce greenhouse gas emissions, protect owners against rising energy costs, and improve a home or building's longevity and value.

Last week the *Better Buildings (Energy-Efficiency Retrofit) Local Improvement Tax Regulation* was introduced, giving life to this program. Energy-efficiency retrofits now count as local improvements, and participating municipalities can levy the local improvement tax with annual property taxes to remit to the Government of Yukon.

I am happy to say that the Village of Haines Junction is the first municipality to sign the Better Buildings program agreement. As well, the Town of Watson Lake, the City of Whitehorse, and Teslin have all committed to supporting the program.

As I have said before, property owners and participating municipalities and rural property owners throughout the territory are now eligible to apply. I encourage you to do so and get your property assessment done in advance so that, when

your municipality actually does sign on to the program, you can get the work done quicker. You could probably be first in line.

Mr. Speaker, I look forward to seeing more municipalities sign on to the agreement and be able to offer the Better Buildings program to Yukoners living in their communities. As the cost of living and affordability are top of mind for many Yukoners and Canadians across the country, it's important that we provide people with the support they need to continue to reduce their emissions, save money, and invest in their homes and businesses.

I, once again, thank the municipalities and the Association of Yukon Communities for their support of this initiative.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: Nurse recruitment and retention

Mr. Dixon: Yesterday, the Minister of Health and Social Services criticized the Yukon Employees' Union for negotiating in the media and for blocking nurses from reviewing the package that her government has put forward. Here is what she said to the media — and I quote: "Almost \$10 million in proposed bonuses for the nursing package, bonuses for our community nurses, for our government nurses, which is, unfortunately, at this point — as I'm sure you read in the YEU president's release — being blocked by them." The minister went on to say that the nurses haven't been made aware of the offer made by her government, suggesting that the YEU did not share the proposal with its members.

Can the minister explain her comments? How does the minister feel the YEU is blocking nurses from viewing the bonus package that the Yukon government was proposing?

Hon. Ms. McPhee: I am very pleased to be able to stand and speak about our support for Yukon nurses, nurses employed by the Government of Yukon, and our work to make sure that they are properly supported so that they can provide the health care that we need.

The health human resources crisis is significantly impacting Yukon's health care sector, and especially the nursing workforce. Health care provider burnout remains real and a pressing issue here in the Yukon Territory. In communities across the Yukon, nurses continue to play integral roles in the pandemic and the ongoing substance use health emergency, not to mention the daily care of Yukoners.

As providing greater flexibility and hard-earned time off continues to present operational challenges, many nurses are choosing to work through an agency and some nursing contracts instead of being employed full-time. These are all challenges that we are working to meet with respect to our nursing staff.

We have invested this fiscal year in the Community Nursing branch. We have also allocated an increase of three FTEs for nurse practitioners to serve Yukoners.

Mr. Dixon: It appears that the minister is backing away from her comments to the media yesterday.

After criticizing the YEU in the Legislature for negotiating in the media, the minister went up and spoke with the media.

During that media scrum, the Minister of Health and Social Services shared the financial values, the term length, and many of the details of the package that they are proposing. Here is what she said — and I quote: “There would be immediate retention bonuses paid out to our current nurses, and then there is extra for working in the communities, there’s extra for signing bonuses for new nurses that would come — there’s a variety of items in that package.” She then went on to indicate that she was — and I quote: “absolutely” committed to discussing salaries when negotiations resume.”

Does the minister appreciate the irony of her criticizing the YEU for negotiating in the media in the Legislature and then going up and literally negotiating in the media with the media themselves?

Hon. Ms. McPhee: Thank you, Mr. Speaker. Our government is nothing if not transparent and open. We work very hard to have media scrums after Question Period — the first government ever, that I am aware of, in the history of the Yukon Territory to do that. Those are done on a daily basis. The opportunity is there for the media to choose who they would like to speak to — also an opportunity for our government to be open and transparent. We respond to those media scrums for the purposes of providing information and answering questions that the media might have and that come as a result of information that is brought through Question Period.

I noted yesterday, for the media, that the media release put out by the Yukon Employees’ Union actually was the response to bringing this to the media, and, of course, they will have questions as a result of that.

I responded to a question here in the Legislative Assembly, which I clarified for media. That is how this topic arose. After that, the Yukon Employees’ Union put out a media press release to say some things that they wanted to say to the media. They are completely and utterly entitled to do that, but that, I think, is where the irony lies.

Mr. Dixon: So, to recap, so far, the minister has accused the YEU of not sharing the government’s proposal with nurses and of blocking the nurses from reviewing it. She has then gone on to share the details of the proposed package with the media, including the financial amounts and details of the contents of the offer. She has even told media that she is willing to discuss new items such as wages and what she called “appropriate salaries”. She has done all of this while criticizing the YEU for negotiating in the media and for not representing its members.

Does the minister really think that this is a productive way to negotiate? Is she confident that this will result in an agreement that is in the best interests of both nurses and Yukoners in general?

Hon. Ms. McPhee: I am very pleased to be able to stand to speak about the importance of nurses and nurses in our communities, and the support that this government has for those nurses. My comments with respect to whether or not the YEU took that information to their nurses was completely based on something that exists in the media release that was given, indicating that the recruitment package proposed — and I quote: “Recruitment package proposed by the employer began and ended at the same meeting.” That is what I pointed out to

the media yesterday. That did not involve consultation with Yukon nurses.

The Yukon nursing community must be supported by this government and all of our community. We continue to work with the Yukon Employees’ Union and the Public Service Alliance of Canada to reach an agreement on incentives that will address and support the recruitment and retention of nurses in the Yukon. I have no doubt that the Yukon Employees’ Union and all of its members are interested in supporting nurses going forward. We need to discuss the details of how we might do that. We have put forward a package that I think supports Yukon nurses and brings forward the importance of them in our community.

Question re: Gadzoosdaa student residence staffing

Mr. Hassard: The Gadzoosdaa residence is where many students from rural Yukon stay while in Whitehorse to attend high school. For many years, the Gadzoosdaa residence has operated on a staffing model that allowed students to experience a more home-like approach to dorm living. However, we have recently learned that the Department of Education is changing the staffing model for the residence. According to the Gadzoosdaa Advisory, which is a committee that makes recommendations on dorm-related topics, the Department of Education is requesting a change in the staffing model to reduce costs. In the words of a presentation to the advisory from September, the money — and I quote: “is no longer available.”

Can the Minister of Education tell us why this change is being made?

Hon. Ms. McLean: At the heart of this, it is about supports to families when students have to leave their communities to attend school in another location. We are very committed to providing safe, caring, and enriching living environments for rural students pursuing learning opportunities in Whitehorse.

We are working closely with the Gadzoosdaa Advisory committee. That is the body that we work with, which is made up of representatives from Yukon First Nations, the F.H. Collins staff, the Department of Education staff, and the Gadzoosdaa student residence, and we are working with them. We have recently asked for a meeting through our superintendent to explore some of the issues that may be arising at the Gadzoosdaa residence. The well-being of students is at the heart of all of the work that we are doing to support students when they have to leave their community. I will continue to expand on my answer as we go forward.

Mr. Hassard: I certainly hope that we get more of an answer out of the minister the next time she’s on her feet.

The presentation to the advisory committee makes it very clear why the current model has had success. According to the presentation, the current staffing model allows students to access recreational and other off-site activities, such as part-time jobs. This has led to success in getting kids to school and the positive activities and community engagement after school. Unfortunately, the presentation also makes clear that the

staffing model proposed by the Department of Education, due to budget constraints, will significantly limit those activities.

Under the proposal — the new model — there will only be two staff on hand during the critical 3:00 p.m. to 11:00 p.m. shift, which is when most after-school activities occur. Can the minister tell us why these changes are being proposed by her department?

Hon. Ms. McLean: Again, at the heart of this are good supports for families and for students who are having to leave their communities to attend school in other locations. We know that there have been some concerns raised regarding service delivery models, resourcing, and supports. We are going to continue to work with our partners to address these concerns through a student-centred approach. We absolutely share with our partners the commitment to the health and well-being of every student. We will continue to work in a good way with our partners through our Gadzoosdaa Advisory committee. At this current time, there are 21 folks identified who represent different organizations on this committee that is made up of Yukon First Nations, F.H. Collins staff, Department of Education staff, and the Gadzoosdaa student residence. We will continue working with our partners through this advisory committee. Again, the superintendent for schools has reached out to the advisory committee to schedule a meeting, and I look forward to the results of that.

Mr. Hassard: There is concern that the changes being proposed by the Department of Education will have a negative impact on these students who are living away from home to pursue their education. Whether they be a part-time job, playing on a sports team, or even just going to the Canada Games Centre for some exercise, after-school activities are important to the physical and mental health of these students.

The staffing changes proposed by the department will make access to these important activities very difficult, or even impossible, in some cases. The proposed changes will also make things more challenging for the staff who will now be limited in the support they can provide to students.

Will the minister herself, rather than the superintendent, agree to meet with the advisory committee and engage with the Yukon Association of Education Professionals before making these changes to the staffing model at the Gadzoosdaa residence?

Hon. Ms. McLean: Again, we are committed to supports for families when students have to leave their communities to attend school in another location. I have stated a couple of times already today that we are very committed to the health and well-being of every student, and we will continue to work with the Gadzoosdaa Advisory committee, and any other partners who would like to work with us on this. I have been in receipt of some communication directly from partners who request a specific meeting with me. I am absolutely willing to work government-to-government with First Nations that are directly impacted and are directly involved in the advisory capacity of this important residence for our students.

I agree that recreation and outside-of-school activities are very important to the health and well-being of our students. I will continue to work with our partners through the committees

and in any other way that I need to, to support students. They are at the centre.

Question re: Kudz Ze Kayah mine project assessment

Ms. White: In June of this year, the Yukon Environmental and Socio-economic Assessment Board found that the planned Kudz Ze Kayah mine would have significant adverse effects. The Ross River Dena Council and the Liard First Nation made very clear that they felt that the footprint and additional risks of the project would be too large and did not support the project going forward. The Liberal government, on the other hand, felt that it didn't matter that the affected First Nations did not give their consent to move forward with this project.

Can the minister tell us why his government doesn't think that these two Yukon First Nations should have the right to consent on what happens on their traditional territories?

Hon. Mr. Streicker: As a government, we are committed to continuing consultation with Kaska First Nations regarding the Kudz Ze Kayah project, and that supports our commitment to build strong relationships with First Nations and meets our obligations. We also, as a government, support responsible mineral resource development in the Yukon. Our belief is that the Yukon has a robust and effective assessment and regulatory regime that continues to uphold responsible development in the territory.

Ms. White: So, our concern is that it is indigenous women who are going to bear the brunt of this project. YESAB's decision document said — and I quote: "... the Project is likely to result in significant adverse effects to personal safety with respect to workplace harassment and community violence against women and gender and sexual minorities..." This government read those words and still approved the project.

Does the minister think that the safety of indigenous women is a fair price to pay for this project to go ahead?

Hon. Mr. Streicker: We believe, always, that it is important to make sure that our communities are safe, including the women in our communities, with these projects. I will say that whenever I have met with communities and whenever I have met with the mining industry and we have talked about making sure that projects are done safely, I have noted recently, from reading recommendations from the Yukon Environmental Socio-economic Assessment Board, that they often put these points in place. We often have conversations with the Women and Gender Equity Directorate about using the GIDA principles, as we look at projects, and running those assessments. The main point here is that with all of our projects — whether they be mines, whether they be forestry projects, whether they be schools, whether they be any of the projects that we do — we believe that we will always work to make sure that our communities are safe.

Ms. White: Let me just read that quote again from YESAB: "... the Project is likely to result in significant adverse effects to personal safety with respect to workplace harassment

and community violence against women and gender and sexual minorities...”

When this government read those words — that, if approved, it is likely to lead to community violence — they decided that it would be fine, because after women and gender-diverse folks face violence, the government will offer to provide counselling services and a shelter.

So let me be clear. Counselling and shelters do not undo abuse. This carelessness for women’s safety and well-being is unacceptable. Can the minister explain to Yukon women why this government is comfortable putting them at risk of abuse?

Hon. Mr. Streicker: I think I just stood a moment ago and said that I believe that all of our projects need to focus on the safety of our communities. I will continue to stand by that.

I know that the Government of Yukon and Government of Canada reached a joint decision that completes the assessment phase of the Kudz Ze Kayah project. That’s not the end of our work. From there, we talked about additional measures based on the Yukon Environmental and Socio-economic Assessment Board recommendations, which ensure First Nation participation in that work, so we will work with Yukon First Nations and communities, and they will help inform the future of this project, and we will work to ensure that there is safety in our communities.

Question re: Whistle Bend development

Ms. Clarke: Earlier this sitting, I asked the Yukon government to conduct adequate consultation with residents on green streets in Whistle Bend. The Minister of Community Services answered that it was the city’s responsibility, saying: “The city planned the neighbourhood and we built to the specifications laid out to us by the City of Whitehorse.”

But residents have been informed that the city manager has a different opinion. The city manager wrote: “Detailed design (including grading specs) and all aspects of construction (including surface works) are managed by YG CS.” Will the minister now accept responsibility for their role in this, and immediately call a meeting with the City of Whitehorse to find a solution to the green streets fiasco?

Hon. Mr. Streicker: I believe it was me who stood and talked about this issue. I will check the Blues to make sure what both the Minister of Community Services and I said.

What I have said all along is that we work with the City of Whitehorse at all times — or whichever municipality we are working in. The city does the high-level planning. Out of that, it is the Department of Community Services that does the development work. After that, it is the Department of Energy, Mines and Resources that sells those lots.

In this instance, the member is asking whether we have talked with the City of Whitehorse. Absolutely we have. I spoke with the mayor a couple of weekends ago. We set up a meeting. We have a meeting scheduled for this week. I have talked to the department and checked to make sure that there is dialogue happening with the residents. I am told that there is and that there are public meetings that are ongoing.

There is an issue here. It was that, in the original design, there was supposed to be a three-metre winding paved way that

would make it more pedestrian friendly. However, it was a concern raised about safety and access for fire trucks that led to a change. I will share more information as we go forward.

Ms. Clarke: Well, here are the facts, Mr. Speaker. The sales agreements that my constituents have are between them and the Government of Yukon. The contract for the paving of the green streets was issued by the Government of Yukon; yet, when I asked about this, the minister blamed the city. Since then, the city manager has clarified that it’s being managed by YG. My constituents are getting tired of being bounced from one government to the next.

So, will the minister accept responsibility and direct Yukon government officials to find a solution that works for residents?

Hon. Mr. Streicker: I think I have said all along that we will continue to work with the residents. I will say it again, right now: We will continue to work with the residents.

There is a concern. It was raised by the fire chief. The fire chief said that there’s a problem with access. So, that is an important issue. We do need to care about the safety of residents. We will get to the bottom of the responsibility piece. What the mayor and I discussed when we last talked about it was making sure that we find a solution, working with residents, working with the City of Whitehorse, working with Community Services, and working with Energy, Mines and Resources to find a good solution, and then we will worry about how we got into this situation now.

What I can say is that this is about trying to make sure that the residents are safe. I hope that the member opposite also feels that this is an important issue to address.

Question re: Skagway marine services

Ms. Van Bibber: Earlier this month, the Municipality of Skagway issued a tender notification for an emergency project that will include the demolition of the ore loader. According to the tender documents, the ore loader, which Yukon mining companies rely on to export their product, will be demolished starting in March 2023.

Can the minister tell us what plans are in place to ensure that Yukon mining companies can continue to export their product after March 2023?

Hon. Mr. Pillai: The Government of Yukon recognizes that the Skagway ore terminal is an extremely valuable export option for the Yukon mining industry, facilitating access to international markets. This is something that we have echoed to over half a dozen federal ministers as well as to industry leaders across the country, understanding that this is our access to tidewater. As the world talks about the importance of critical minerals, it’s paramount that Skagway has the appropriate infrastructure in place to ensure that Yukon critical minerals can move out to international ports.

I want to thank the officials in Skagway. They have worked very closely with us over the last number of years, and definitely through 2022. There is one company at this particular time, Minto, which is shipping through that area. It is the only company that is currently using the infrastructure, and the talks are ongoing between Minto and Skagway, supported by the Government of Yukon.

We facilitated a meeting just about a week ago. Minto's CEO and vice-president were there, laying out a number of different options, and I look forward to question two and three to get into more detail.

Ms. Van Bibber: The minister has told us that the Yukon government is spending over a quarter-million dollars on the planning and design for this project. Does that investment give the Yukon any influence over the timing of the ore loader demolition? Will the minister encourage Skagway to reconsider the timing and work with the mining companies to find that solution?

Hon. Mr. Pillai: I appreciate the question, but I think the premise of the question would seem as though we have not urged folks in Skagway to be flexible and to collaborate with us. That has been what we have been talking to officials in Skagway about since the start of these discussions — again, going back a couple of years.

I want to be respectful to the folks in Skagway and echo their concerns. The concerns in Skagway are connected to legacy contamination in the port of Skagway. As we see over \$1 billion being allocated to Faro to clean up that project, there was no money allocated to Skagway. I think Yukoners need to be aware of that and respect our brothers and sisters in Skagway. That is the starting part of the conversation.

So, we have to be very respectful about what we decide to partner with them on. At this time, we spent, I believe, US\$261,000, and that money is being spent on design. We're looking at what the best infrastructure should be, whether that is a container system or, potentially, a modern ore loader.

Again, I look forward to question three — lots to discuss here and a very important topic.

Question re: School replacement

Mr. Kent: According to the Yukon government's budget and announcement about the replacement of Whitehorse Elementary School, construction is set to begin next year. Can the minister tell us if there is a design for this new school in place yet, and what the budget and completion date for the new school will be?

Hon. Mr. Clarke: Thank you, Mr. Speaker, and thank you for the question. I think the question was whether there is construction that would occur next year? In any event, the member opposite will well know that construction for this school is happening as we speak and that the structure is in place, and that great progress has been made on this. I am a little bit puzzled by the question. I mean, the school is being built. We're very excited about having a new era school, the first elementary school being built in the territory in the last 25 years, providing a state-of-the-art school for the burgeoning community of Whistle Bend, which will allow elementary school students to access a school where they can engage in active transportation by bike, walking, with their parents or in groups. This is a good news story.

Mr. Kent: The minister misheard the question. The question was with respect to the replacement of the Whitehorse Elementary School, not the Whistle Bend school. The questions

were around whether or not the design was in place for the new school, and if there is a budget and completion date set yet.

As far as the public knows at this point, the school is planned to be built on or near the three softball diamonds on Range Road. This will obviously significantly disrupt softball for the next number of years here in the City of Whitehorse, and, indeed, in the territory. Has the government identified options for new ballparks and begun consultation with Softball Yukon?

Hon. Mr. Clarke: I apologize to the House for having misheard the question, contrasting Whistle Bend with Whitehorse Elementary. Our government is investing in Yukon's education system by building new schools or renovating existing ones, so that they meet the needs of Yukon students for years to come. In addition to new schools, like the one in Whistle Bend, which I spoke about in my last answer, and Burwash Landing, we will continue to replace or renovate existing schools on a priority basis.

Whitehorse Elementary, as we have heard, is the highest priority for replacement, because of the accessibility, lighting, acoustic issues, age and condition of the building, its energy use, greenhouse gas emissions, and the need for significant seismic upgrades. The new school will be much more energy efficient and could see a reduction of up to 260 tonnes of greenhouse gas emissions, compared to the current school.

The new school is currently in the early planning phases, which is being led by the Department of Education. In relation to the specific question from the member opposite, there will be a lot of consultation with respect to this matter, and there is awareness that Softball Yukon fields are heavily used, and that if any of the fields need to be taken up for the construction of the new Whitehorse Elementary School, we will certainly be having discussions with the executive at Softball Yukon.

Mr. Kent: The construction of the new school and the ongoing operation of the new school will undoubtedly create new traffic pressure in the area. As most members well know, Range Road is already a very busy artery in the city. What consultation has occurred with the City of Whitehorse and residents of Takhini regarding the change in traffic volumes that this project will have?

Hon. Mr. Clarke: Once again, this project is obviously a few years out, but more details on the design and building location on the Takhini educational land reserve are being investigated. We will be working with the project advisory committee and the community to determine the best way to use the site.

We are also planning for the project advisory committee to include representatives from the Whitehorse Elementary School Council and the school community, the Ta'an Kwäch'än Council, Kwanlin Dün First Nation, the City of Whitehorse, the Government of Yukon representatives, and community associations or organizations. The project advisory committee will provide us with input on key aspects of the school's planning and design, including ways the school can help to meet community needs, in terms of functionality, culture, and community space.

As we have heard in general debate with respect to the general concerns about traffic within Whitehorse generally, of course that is a discussion we all, as Yukoners, and as Whitehorse residents, will have to engage in over the next two years in order to promote active transportation, reduce single-occupant vehicle use, and to try to come up with innovative solutions to deal with traffic issues all around Whitehorse.

Speaker: The time for Question Period has now elapsed.

Notice of opposition private members' business

Ms. White: Pursuant to Standing Order 14.2(3), I would like to identify the items standing in the name of the Third Party to be called on Wednesday, October 26, 2022. They are Bill No. 306, standing in the name of the Member for Takhini-Kopper King, and Bill No. 305, standing in the name of the Member for Vuntut Gwitchin.

Mr. Kent: Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Official Opposition to be called on Wednesday, October 26, 2022. It is Motion No. 498, standing in the name of the Member for Pelly-Nisutlin.

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

ORDERS OF THE DAY

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

The matter before the Committee is general debate on Bill No. 19, entitled *Technical 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

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

Bill No. 19: *Technical Amendments Act (2022)*

Chair: The matter before the Committee today is Bill No. 19, entitled *Technical Amendments Act (2022)*.

Is there any general debate?

Hon. Ms. McPhee: Madam Chair, I am very pleased to rise today to speak about our government's proposed *Technical Amendments Act (2022)*. I am joined today by the assistant deputy minister of Community Justice and Public Safety, Jeff Simons, and I welcome him to the room, and by Abdul Hafeez, our senior policy analyst who worked on this particular bill. I welcome them and thank them both for attending today to support the questions that we may have.

The technical amendments bill before us today includes amendments to three pieces of legislation. They are to the *Land Titles Act, 2015*; the *Condominium Act, 2015*; and the *Corrections Act, 2009*. The proposed amendments in this bill come at a critical time for a few reasons that I will point out.

Firstly, the Corrections branch has a large and very complex portfolio that we believe warrants two individuals who are dedicated to each of their teams. The amendments in this technical amendments bill to the *Corrections Act, 2009* will enable two directors to dedicate their time and efforts to their respective areas. The mandates of both branches will be fulfilled to best serve our clients. I can indicate that those are a director of Corrections within the correctional facility and at community corrections.

Secondly, while the amendments to the *Land Titles Act, 2015*, may not appear to be significant, it is important for our government, and for me, to note that it is part of our government's mandate to modernize our systems. The proposed amendments will allow for the operational requirements of the electronic Yukon land titles registry system to be met as we continue to modernize our land titles office. This is a significant benefit to Yukoners who are registering land titles in that land titles system and to the professionals who work with government on the modernization of the Land Titles system and the electronic-accessible version.

Lastly, the *Condominium Act, 2015*, recently came into force on Saturday, October 1, 2022, and it is important that we fix any errors or inaccurate references immediately in order for the act to be current and serve Yukoners well. Through this proposed amendments, our government is ensuring that Yukon legislation is accurate, up to date, and serving Yukoners to the best of our abilities. I look forward to providing more information or answering any questions that the members may have during debate at Committee of the Whole.

Mr. Cathers: Madam Chair, to begin with, I would like to ask the minister to explain section 27 of this act.

Hon. Ms. McPhee: I am wondering if the member opposite is referring to section 27 of the *Technical Amendments Act (2022)*, which is "Validation respecting director of corrections." Is that the reference?

Mr. Cathers: Yes, Madam Chair, that is the reference.

Hon. Ms. McPhee: Thank you. This section refers to the fact that any action completed or omitted by a member of the public service acting as the director of Corrections, commencing October 15, 2021, and continuing until these amendments come into force, is validated by this provision. It is known, often, as a — I forget the name — the ability to transfer or — thank you, Madam Chair, for that moment, because I was not thinking of the term that I was looking for,

which was a “transition clause”. It indicates that any action commenced or done by the director from October 15, 2021, and continuing until the amendments come into force and effect, is validated by this provision. It also, in section 2, indicates that any action completed or omitted as a result of relying on section 1 is validated. Lastly, in section 3, it notes that provision of this act that provides for a right to a review of appeal of a decision made under this act is not impacted by sections 1 or 2 — so, not affecting the rights of individuals, not the directors.

I think that what is really being asked about is the retroactivity of this clause, or the transition clause that has been included in section 27, and it has been used to split the director of Corrections’ role — why is that being used in that way? I think that is the question being brought by the member opposite.

The branch holds a substantive portfolio, as I mentioned earlier, that would benefit from having two dedicated directors. The former director has not acted in this role since early October 2021. Since that time, we have had a number of individuals fulfill the responsibilities to ensure that any technicalities in decision-making don’t impact the Corrections operations. All gaps are attempting to be filled. Where there are more decisions, and ultimately, the responsibility of seniors in the department as well, because a number of individuals are fulfilling that responsibility, the retroactivity transition clause has been included.

There have been times when one person is acting, and times when two individuals are acting. Currently, there is only one person who is acting as the director of Corrections, although this amendment included in this technical bill is, of course, to make two positions.

Mr. Cathers: Would the minister agree that a principle of governance is that government shouldn’t act without the legal authority to take an action?

Hon. Ms. McPhee: Yes, all governments and organizations should have the authority to make the decisions that they do — yes.

Mr. Cathers: It appears in this case that, in fact, what happened is that the government, under this minister, took some actions that the act did not authorize, and that in section 27, in what the minister has tried to not draw attention to in calling this the *Technical Amendments Act (2022)*, that, in fact, the key clause in this is section 27, where — after the fact — retroactively the minister is taking action to address the fact that actions were done without proper lawful authority to do so since October 15, 2021.

It’s hard to see how this section is anything other than government retroactively fixing the fact that they took an action that they didn’t have the lawful authority to do. The minister referred to this as a “transition clause”, but as the minister should know very well, transition clauses in legislation are forward-looking. They speak to going forward into new legislation and ensuring that, in a transition period from one act to another, or as provisions are brought into effect, there aren’t gaps that occur, or where provisions authorized under previous acts are not enacted in future legislation, and so on.

Can the minister indicate why, with this legislation — so, again, we are seeing legislation that, after the fact, comes in and says, “Everything done or omitted to be done on or after October 15, 2021...”, and later in that clause, “... is declared for all purposes to have been validly and legally done or omitted to be done.”

What that is saying in the middle of legalese is that, in fact, some of the actions taken by government were not “validly and legally done”, and that is concerning. The Minister of Justice is the Attorney General. She has an obligation in that role to ensure that not only her own department, but government collectively, complies with the law. In this case, as well, the appointment of the director of Corrections — or, in the case of this legislation passing, of the two roles — my understanding is that those appointments are order-in-council appointments. Order-in-council, for laypeople listening, means that Cabinet has to approve that appointment. It also means that the Minister of Justice is personally responsible for signing the recommendation to Cabinet for an order-in-council for either of these positions.

Can the minister explain to this Legislative Assembly how we could end up with a situation where the minister — over a year after the fact — is coming forward to this House and asking the House to retroactively make everything done in this area over the past year lawful?

Hon. Ms. McPhee: I think I have been very clear about the purpose of this legislation. I can indicate, of course, that I don’t agree with the description of what is happening here, brought forward by the member opposite.

This is an appropriate legal remedy to a situation that has evolved. It is designed to support the actions of the public service members. Resourcing has been difficult, and we have had to have individuals acting, and have not yet put a permanent person in place — or two persons in place, which is what this anticipates. Government wants to ensure that the actors and individuals who have taken on these very complex and important roles have done so in good faith, and that this section supports their efforts.

I have been extremely clear that this is about supporting our public service in an operational way. I am wondering if the member opposite is, therefore, based on their comments, not going to support this *Technical Amendments Act (2022)*. I can provide a bit more information, after the resignation of the director back in October 2021, about the person in the position. That is certainly described in the current act, that we required a series of acting — individuals acting in that role — and we had not previously envisioned the appointments under the act. The amendments put forward here today will amend and fix that situation.

There was an appointment of an individual in place until April 2022, and actors were in place under that appointment. It was while the experts were drafting the successor appointments that the need for separate appointments was flagged and the amendments followed from this. Validation is rare, but it is used in other jurisdictions. It has been used in other pieces of legislation. While it is certainly something we like to avoid, it is, on paper, very clearly an opportunity to support the

individuals who took on this role and who have been acting in this role — a single role, as I have described. I think that will suffice.

I should just reiterate, of course, that we have been very clear about what is happening here and that we are bringing this forward in a technical amendments act for the purpose, not as intimated here in this discussion, which is some untoward purpose.

This is clearly a support of the individuals who have taken on this role, who have supported the department, and who have taken the individual career moves to explore the directors' positions and to support their colleagues through the work until we could manage to get this section and this technical amendment before the Legislative Assembly.

Mr. Cathers: Again, Madam Chair, as I have to remind the minister, this is not a transition clause, as she has characterized it. Those look forward, not retroactively. The minister even agreed with my statement of the fact that government shouldn't act without the legal authority to take an action, and in this case — despite her attempts to characterize this as a minor matter — it is clear that the only reason we are seeing this clause 27 is, in fact, that the government believes they need to pass legislation retroactively to October 15, 2021, to address the issue and ensure that everything done, or omitted to be done — and I quote: "... is declared for all purposes to have been validly and legally done..." Government does not table legislation with that wording if everything was done according to the way it should be.

It goes further on, in section 27(2). It again states — and I quote: "Everything done or omitted to be done in reliance on a thing validated under subsection (1) is validated and is..." — and again, the emphasis is mine — "... declared for all purposes to have been validly and legally done or omitted to be done."

Madam Chair, this is not a minor matter, as the minister characterizes it, nor is it a case, as it might be with most personnel decisions that the minister is not directly involved in — because with any appointment that is an order-in-council appointment, it requires the minister to sign the documents going to Cabinet and to be personally responsible for ensuring that the matter gets on the Cabinet agenda.

In response to one of the minister's attempts to dodge responsibility and hide behind employees, I would note that, of course, we do support employees doing their work, as the minister well knows, but the minister is personally responsible for this failure by the government and by the actions of staff under her watch, for an appointment that she bears personal responsibility. She is personally responsible for the government's unlawful actions between October 15 and the present.

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Streicker: I have two points of order, Madam Chair. The first one is — I think we have heard from the Speaker and from the Chair that we are not supposed to

personalize this debate. The words "personally responsible" were used.

I also heard the member opposite speak about whether the Minister of Justice was acting lawfully, suggesting that she isn't, which is also out of order.

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

Mr. Cathers: I don't believe there is a point of order. I was noting what the legislation itself says, and it is the legislation — not me — that indicates what the government has done since October 15, 2021.

Chair's ruling

Chair: I would ask that members refrain from using the words "personally responsible" in reference to the minister.

Please be mindful of not personalizing this debate.

Mr. Cathers: Thank you, Madam Chair, I will, of course, respect your ruling on that matter, and I will reference — as you indicated I should — the principle of ministerial accountability. The principle within our system is that there is ministerial accountability for the department for which they are responsible. As I noted in this particular case, it goes a further step beyond the normal principle that everything done under a minister's watch is something that they have responsibility for. We recognize the fact that ministers are not involved directly in every decision. However, when the decision, the action, or the failure to take action directly relates to a responsibility that is specifically the minister's under law, then the principle of ministerial accountability becomes very directly relevant to the actions or failure to act of the specific minister.

In this case, with the minister herself being a lawyer as well as the Attorney General, this should not be treated as a minor matter — that the government has now had to take the step of coming forward with legislation that goes retroactively to October 15, 2021, to, again — and I quote — ensure that things are "validly and legally done".

This is a serious matter. An additional question I would ask the minister is: When did she become aware that the position of director of Corrections was vacant, and what steps did she take to ensure that someone was placed in that position in an acting role and in a lawful manner?

Hon. Ms. McPhee: The member opposite is questioning the legality of section 27 of the *Technical Amendments Act (2022)*, and while I appreciate his opinion on the matter, it is lawful. Validation, which is what is occurring here, is a legal tool being done out of caution to ensure that if any problems come forth in transition, they are addressed legally. It is not uncommon, for instance, in the concept of insurance. Validation, which is being done here, isn't saying that the individuals were not authorized. It is legally permitted. It is a tool — not often used, but a legal tool — being used in this case to write the legislation to actually describe what is chosen through the operations of the branch in Corrections — of what is needed to complete the work that is required here. It is in support of public servants. Madam Chair, it is lawful.

I appreciate that the member opposite doesn't think it is or wants to question its legality, but it is a legal tool. It is properly being used here.

Mr. Cathers: Well, Madam Chair, the minister is attempting to do a sidestep on the main point and suggest that this legislation in front of us is legal. I agree. The legislation in front of us is legal; however, it is correcting for the actions that occurred since October 15, 2021, that were not lawfully empowered by existing legislation. The minister agreed with me on the principle that government shouldn't act without the legal authority to take an action. But the fact is that we would not see this legislation in front of us if everything that had been done in this area over the past year-plus had been done with the lawful authority that should have been in place.

If the minister wishes to split the role of the director of Corrections into two director roles — with the director of correctional facilities and the director of community corrections, as is outlined in this legislation — that is a policy matter as well as a legal question. But had she wished to do so, we could have, and should have, seen this legislation before that change was made at an operational level — not after the fact, correcting the fact that they took that action without the proper lawful authority.

Because, again, I would encourage those reading and listening to not just take my word for this, but look at what section 27 of this act says. I would note again that there is absolutely no need to retroactively make something that government has already done legal if government was complying with the law. If something is done without lawful authority by government, even if the action was not taken for malicious reasons, as I have no reason to believe this was, the fact that it is done without lawful authority is still a serious matter.

As noted again, this section, which is entitled innocuously "Validation respecting director of corrections", specifically says: "Everything done or omitted to be done on or after October 15, 2021, to and including the date of the coming into force of this section..." — and it goes on to say, after a lot of legalese — "... is declared for all purposes to have been validly and legally done or omitted to be done."

Now, Madam Chair, if government had been acting with the proper lawful authority for the actions it took, there would be no need to retroactively change the law and correct for their choice. The minister is responsible for, as Minister of Justice, to take an action that was not fully authorized in law. This is a pretty big oopsie, if this is what the minister is trying to describe it as. It is a serious mistake, and because of the fact, as I noted, that the Minister of Justice is directly responsible, as minister, for signing off on recommendations to Cabinet for the appointment of a director of Corrections under the current act, since that is an order-in-council appointment, the minister cannot push this downhill and attempt to blame staff for these actions.

The question comes down to: Why did the minister authorize this action, and if she didn't authorize it, when did she become aware of it and what did she do? The third question,

of course, is why we didn't see legislation splitting these two roles before that happened, instead of about a year after the fact.

Hon. Ms. McPhee: At the risk of prolonging this conversation, which I think has come to a natural end — I appreciate that the member opposite doesn't like my answer, but, nonetheless, the validation described in section 27 is a valid legal tool. The previous act came into force and effect in 2009, I believe, and that would have been perhaps even under the member opposite's watch as Minister of Justice — certainly under that government. It was silent on whether any person could act in the role of director of Corrections, it was silent on whether multiple persons could share that role, and it was unhelpful with respect to the realities of operating the department of corrections. That's why we're here, and that's why this part exists. All of the technical amendments act — the Corrections references — exist because the act was previously silent on whether someone could act, or whether multiple persons could share the role. The resignation of the person in this role triggered the need for acting people to take on the role.

The *Corrections Act, 2009* did not speak to a solution; it certainly didn't speak to a solution that existed operationally, because it was silent on whether or not those things could happen, and it was very specific with respect to the director of community corrections.

Sometimes, in government, the ADMs take on a role like that. It was not possible for the ADM of Community Justice and Public Safety to take on that role. The operational decision was made that it required two persons to provide the qualified management while the amendments were developed. As I have said a number of times, validation is a legally acceptable practice as a correction, and it is being made here as soon as possible.

I should indicate as well that section 27, as drafted, does provide support for our public service, whether or not over the last period of time, the ADM was acting in that position — not taking on the position, but acting in that position — where there were other individuals who stepped up to the plate to take on the responsibilities of this very important role — clearly very important, given the way it was drafted in the original corrections act but too stringent in that it did not permit acting individuals in that role. It did not permit the concept of how those responsibilities could and should be split, as needed, in the operations of the Corrections department. I, again, can reassure the member opposite that it is an appropriate legal tool in order to support the public service who stepped up to the plate in the last year while this could be adjusted and while it could be amended in the *Technical Amendments Act (2022)*.

Mr. Cathers: If this weren't a serious matter, the minister's explanation would be comical. The minister, first of all, suggested that I may have been the Minister of Justice in 2009. It doesn't take much research to figure out that I was not. She tried to blame the original act — the *Corrections Act, 2009* — as having a gap in it that she claims was the source of the problem. But, Madam Chair, there is a real problem with the minister's attempted logic in that. If the problem dated back to 2009, the retroactivity clause that she has introduced here in the infamous clause 27 would be backdated to 2009, not to

October 15, 2021 — when, I remind the minister, she was the Minister of Justice and had been in that role for quite a while.

So, to be clear, as the minister is sometimes attempting to sidestep this and speak to the lawful nature of Bill No. 19 — on that, I agree with the minister. Bill No. 19 is lawful. However, she would not be tabling this legislation with the infamous clause 27 if it wasn't for the fact that government's actions from October 15, 2021, to present were clearly not lawfully authorized by the act.

We know that this minister is infamous for failing to accept ministerial accountability.

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Streicker: That feels again like personalizing debate, talking about the infamy of this minister. I also hear the member opposite again stating that the government is working outside of the law, which I believe is out of order. I think this is all under 19(i) in the annotated Standing Orders, talking about not personalizing debate.

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

Mr. Cathers: On the point of order, Madam Chair, I don't believe there is a point of order. The Government House Leader clearly didn't like the terminology I used, but we don't need to recap here on this point of order the motion that this Legislative Assembly passed last fall regarding the minister's dodging accountability. I believe that speaks —

Chair's ruling

Chair: Order. I will ask that when members stand on a point or order, they don't editorialize or debate, which was ruled on by the Speaker yesterday in the House. Again, I ask that members not personalize debate, and please be respectful during debate.

Mr. Cathers: Again, I understand that the Government House Leader is taking offence to the questions that I am asking, but this is regarding a serious matter. If government takes action that it doesn't have the lawful authority to do, that is an issue. Unfortunately, what is very clear is that we would not see section 27 of this legislation if government didn't need to retroactively correct a failure to act with proper legal authority — retroactively to October 15, 2021.

As I noted, as well, the minister suggested and attempted to claim that the problem at hand was related to the *Corrections Act, 2009*, but again, if the problem dated back to 2009, as the minister asserted, then this clause of Bill No. 19 would be retroactive to 2009, not to October 15, 2021.

The minister has attempted to suggest that everything is fine here, but I would ask the question: Since the government didn't act with proper lawful authority, who does the Minister of Justice think should be accountable for that failure to act with lawful authority?

Hon. Ms. McPhee: I don't agree that the government acted without lawful authority.

Mr. Cathers: Well, that is interesting, but it is literally arguing that black is white, because the legislation tabled by the minister is very clear about the fact, under section 27, that some things that happened since October 15, 2021, were not validly and legally done or fully authorized. It's not only a failure to act with lawful authority, but after the fact, the minister is simply refusing to acknowledge that the government did so. That is a real failure in accountability. It speaks, as well, to what we heard from the Child and Youth Advocate in her damning report on the Hidden Valley school matter regarding both the minister and her colleague, the Minister of Education, in which that minister was found by the Child and Youth Advocate not to have complied with another piece of legislation, the *Child and Youth Advocate Act*. This is a serious pattern of this government.

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Streicker: Under 19(b), it says that we should be speaking to matters that are before this House, that they are to be relevant. Under 19(g) in our Standing Orders, it talks about the integrity of members and that we assume that everyone is acting with integrity, including acting legally and with authority.

I find this debate moving away from the technical amendments act that we have before us.

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

Mr. Cathers: On the point of order, I was pointing out a lack of compliance with legislation, and simply connecting it to another case where the government did the same thing.

Chair's ruling

Chair: This is a dispute between members.

Please continue with debate, Member for Lake Laberge.

Mr. Cathers: Thank you, Madam Chair. Again, what I want to point out for members is that it is incumbent upon ministers to uphold the law and the legislation for which they are responsible. That is especially the case for the Attorney General, who also has a broader responsibility to her Cabinet colleagues and to government.

This is unfortunately, as I noted, not the first time we have seen a case of this government — this Cabinet — failing to comply with the law. In fact, it's not the first documentation even this sitting.

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Streicker: I am going to now quote from our annotated Standing Orders: "As such members may not, pursuant to Standing Order 19(g), accuse one another of acting based on motives that are unworthy of a member of the

Assembly. This would include any suggestion of illegal or unethical behavior.”

Madam Chair, it’s not a suggestion. The member opposite continues to state that it is his belief that the member is acting — my colleague is acting — illegally, that the government is acting illegally. Our Standing Orders say no suggesting that, not even stating it.

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

Mr. Cathers: To begin with, the annotated Standing Orders are not, in fact, the Standing Orders. They are an interpretive document. I think that the Government House Leader objects to the questions but does not actually have a point of order in this matter.

I did not — as he stated that I did — accuse another member of acting with — I think he said “malicious intent”. I simply noted a lack of compliance with the legislation, which, in fact, the act we are debating says. It’s not just me, Madam Chair.

Chair’s statement

Chair: I will review Hansard and come back to members on this point of order.

Mr. Cathers: Thank you, Madam Chair. We were interrupted by the Government House Leader, but I was asking the minister for this matter: Where there is a failure to act with lawful authority, who does the minister think should be responsible and accountable for that?

Hon. Ms. McPhee: I believe I have said pretty well all I can say with respect to this matter. This is lawful action. There is no insinuation otherwise but from the other side. I can assure the members of this Legislative Assembly that careful thought went into resolving an issue that existed in section 5 of the *Corrections Act, 2009* where it allowed for the minister to appoint a director of Corrections, indicating that it should be a single person.

Operational requirements were that this should be changed. We are here to do that. I look forward to the support for this technical amendments act so that we can correct this situation and make sure that the public servants who have risen to the occasion and taken on this position, or who are considering taking on this position — or, in the operational requirements, perhaps two positions — are supported.

Mr. Cathers: Well, it appears that the answer to my question is that the minister doesn’t think that the minister is responsible for this.

I would ask, then, another question: With regard to the choice to split these two roles, did the minister authorize the split before people were hired? If not, when did the minister first become aware of it?

Hon. Ms. McPhee: There is currently only one person in that position. We are here to describe the fact that, in our view and in the view of the individuals who manage and do this work, it requires two individuals to properly address and complete the tasks required by this job. As such, the sections are here in the *Technical Amendments Act (2022)* to make those options possible.

Mr. Cathers: We were informed by officials at the briefing that, at one or more points during the past year, there were two people fulfilling the role in this director position. One was acting notionally in the director of Corrections role and the other in facilities. Again, the question is: When that occurred, did the minister authorize that split at the time to have two people in the director role? If not, when did she become aware of it?

Hon. Ms. McPhee: What the member opposite is describing is an operational decision. When the contemplation of the legislative change was brought forward, I became aware of the sections that would be contained in a technical amendments act and, as a result, I am here today to present them to the Legislative Assembly.

Mr. Cathers: The minister seems to be very resistant to answering that question of when she became aware that a split had occurred, even if that was just a temporary split. Again, as the minister knows very well, to refer to a personnel matter as just an operational decision when the minister is empowered and entrusted under the act to make appointments to that role through an order-in-council — or, I should say, to ensure that she goes to Cabinet to seek the authorization under an order-in-council to make that appointment — the minister is directly accountable — or should be — for a failure to take the proper steps.

So, again, when did the minister become aware that there were two people in the acting role?

Hon. Ms. McPhee: That is an operational decision. When the changes were brought forward in the *Technical Amendments Act (2022)* — and the proposed changes that might be included in such an act — I certainly authorized that work. The folks at the Department of Justice did the appropriate policy work, did the appropriate research, and did the appropriate drafting, and we are here with the *Technical Amendments Act (2022)* to resolve some issues in several pieces of legislation. I look forward to the support of this Legislative Assembly to do that.

Mr. Cathers: This is the type of things that causes citizens’ concern — where they are told repeatedly that ignorance of the law is no excuse. Yet, if it is government that makes the mistake, government — the Minister of Justice — can retroactively go back and change the law retroactively for over a year to ensure that what they did without lawful authority becomes lawful. Again, I am not disputing the lawful nature of Bill No. 19, but it is to correct for something that occurred that clearly was not lawfully authorized or else we would not see the wording that we do in section 27(1) and 27(2) of this act.

I will try again. The minister has consistently refused to answer. When did she become aware that the split in these roles had occurred?

Hon. Ms. McPhee: I think I need to clarify what the member opposite has just said about — now we’re trying to change the law retroactively. That is not, in fact, what section 27 says. We are trying to now amend the *Corrections Act, 2009* so that there can be more than a single director named, and in the event that this person is the director of Corrections, the current act does not provide for any acting provisions; it doesn’t

provide for any opportunities for someone to be in that position other than the named director. I think I have explained this several times. I'm concerned about making sure that I don't just repeat myself, but the questions are the same.

To clarify, we are not trying to change the law retroactively. What section 27 says is that, in the event that the individuals who have taken on this role, as required to make sure that the Corrections branch continues to work and serve Yukoners — in the event that something comes forward in relation to a decision or an action, or an omission of an action, that any of those individuals took during this relatively short period of time, that would be considered to be validated by the provision of section 27.

Mr. Cathers: This is quite the debate. The minister just again asserted that this is not about changing the law retroactively, but that's exactly what Bill No. 19 does. It changes it retroactively to October 15, 2021.

There would not be the language we see in here about declaring that it is for all purposes to have been validly and legally done if the government had the lawful authority to do what they did. That is referenced under not just one section, but under two subsections of clause 27.

I am going to ask the minister — we see here, from the legislation that she tabled, the problem that Justice is trying to correct — the problem the government is trying to correct — goes back to October 15 of last year. When did the minister first become aware of that problem?

Hon. Ms. McPhee: I think I have answered that question to the best of my abilities. At the moment, I do not have a date. I do not anticipate that I could ascertain that date, but let's be clear, this was an operational decision. Since the individual left the role in October 2021, there needed to be action taken by this government to make sure that Corrections, in whatever form — inside the Whitehorse Correctional Centre or otherwise in community corrections — that Yukoners continue to be served by that position by individuals who were acting in that position, either one at a time or more than one at a time, or sometimes the ADM. That was required to serve Yukoners. What we are trying to do now is to make sure that the authority allowed in the *Corrections Act, 2009* is broader than when it was drafted in 2009. I look forward to the support for this technical amendments act.

Mr. Cathers: It is interesting here. Again, the minister keeps asserting that it's not about changing the law retroactively, although clearly, that is what section 27 says.

Noting that the problem began on October 15 of last year, I asked her when she became aware of it. She indicated that she can't tell us when she became aware of it. Will the minister agree to tell this House, no later than third reading of this legislation, when she first became aware of that problem?

Hon. Ms. McPhee: I believe I have answered that question.

Mr. Cathers: Well, the minister must have a very interesting dictionary if she considered that an answer, because she dodged the question and chose to refuse to answer it.

Again, we are talking about something serious — government acting beyond what the law allowed them.

Whether that was knowingly done or not — as I noted, government is fond of telling people that ignorance of the law is no excuse. As I mentioned, only government has the opportunity to go back after the fact and retroactively make what it did lawful, but we would not see this section 27 going retroactive to October 15 of last year and making specific reference more than once to declaring, for all purposes, that it had validly and legally done or omitted to be done, if there wasn't a serious problem here. The problem clearly began on October 15, 2021.

Again, the question for the minister is when she became aware of that. She indicated that she can't tell us that here today, but in my last question I asked her — and I will again give her the opportunity — will she undertake, if she is genuinely unable to tell us the date she became aware of the problem, to provide this House that information no later than third reading on this legislation? I would accept that through either a legislative return or through the minister, either in Committee or in third reading, rising and telling the House, clearly and specifically, when she became aware of this problem that clearly began under her watch on October 15, 2021.

Hon. Ms. McPhee: I think I'm going to return to what I originally said some time ago now with respect to these amendments. The Corrections branch is a large and complex portfolio, and we believe that it warrants two individuals, at least at this time in operations, who are dedicated to each of their teams and the roles in Corrections by enabling two directors, which is what is being sought here with the changes to the *Corrections Act, 2009* many of which have not been noted by the member opposite. I'm happy that they are concentrating on section 27, but there are a number of changes to the legislation of the *Corrections Act, 2009* that will enable two directors to dedicate their time and efforts to their respective areas. The mandates of both branches will be fulfilled to best serve our clients.

We have been extremely clear about the purpose of this legislation. We have been extremely clear about the legality and the lawfulness of the provision in section 27, the validation and support it brings for the individuals who have taken on this role in the past number of months.

I appreciate that we differ — that there is an opinion on the other side of this legislation that is not shared by the team who has brought this matter forward. I appreciate that opinion can be expressed here, but it is exactly that — opinion. I can disagree with that opinion. I assert that there has been appropriate work to bring this matter forward as soon as possible. It is for the purpose of correcting a provision in the *Corrections Act, 2009* that does not, by virtue of the legal opinions we have, contemplate more than one director or an individual acting in that role. That is simply not operational for the purposes of serving Yukoners.

Mr. Cathers: The minister can, as she has done all afternoon since we began debate on this legislation, attempt to dismiss my concerns and questions as an opinion, but, Madam Chair, I have the law on my side.

It is very clear in this legislation that the government is retroactively correcting something to make up for the fact that

they were acting without lawful authority — retroactively to October 15, 2021. The minister again is attempting to avoid a responsibility for what occurred. As one of my colleagues pointed out to me, this House was sitting in October of last year. The minister could have corrected it at that time, or subsequently, it could have been corrected by the government in the spring.

So, another question on this — and again, the minister has shown a lack of willingness to answer questions all afternoon — is when the minister became aware of it — and why has it taken over a year for government to bring forward legislation to correct for the fact that they were doing things that were not fully authorized by the law?

Hon. Ms. McPhee: At the risk of prolonging this line of questioning — well, there is always a challenge in defending oneself in this role. I want to be clear that, just because the member opposite doesn't like the answers that I'm providing, it doesn't mean that I am not providing those answers, and anyone who can read Hansard and anyone who is listening will see that I am clearly trying to provide answers to the questions that are being presented here, and I am, in fact, doing that.

I don't know if there are other questions, but I would be happy to address those.

Mr. Cathers: Again, the record will show that the minister is choosing not to answer reasonable questions. People do expect, as they should, ministerial accountability from government. We have seen a concerning pattern of this Liberal government that they seem to fail to recognize this principle.

Ministers are not above the law and should not act as though they are above the law, nor if a noncompliance of law occurs, should they be dismissive of that issue —

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Streicker: Madam Chair. You have indicated that you are going to take a look at this and come back to this House. Could I request that we ask members not to suggest that people are acting above the law, as representatives in this Legislature, until such time as you come back with your decision.

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

Mr. Cathers: Again, Madam Chair, I know that the Government House Leader has risen repeatedly regarding this, but I am pointing to what is in the legislation that is at hand, and expressing my view on it, which, in my opinion, is the only conclusion to arrive at, on reading section 27 of that act.

Chair's statement

Chair: I caution members not to accuse other MLAs of breaking the law or of not following the law. I may also return with a ruling at a later point.

Please continue debate.

Mr. Cathers: I think that I will wrap up, at least for the time being, on this and hand this over to the Third Party. We

are seeing the minister consistently sidestep the questions. Again, with regard to it, Madam Chair, when legislation is brought before the House, it is typically deemed in order for members to note what is in that legislation, and section 27 of this act is quite clear. That section makes it clear that the government is retroactively correcting something that began on October 15, 2021, and if that were not the case, then we would not see this section of the legislation.

Ms. White: I am delighted to be asking questions, because I actually think that this is a real opportunity. I worked at Corrections for two years between 2009 and 2011, and actually, I was elected out of Corrections. I was there as a life skills coach and cooking instructor, and I had the real privilege of working with the woman who I worked with. You know, if there was ever a chance to go back and do programs, or look at things in a different way, I would say that the program I had the privilege of being a part of was something that was really positive. It was a real building block for the people who I worked with.

One of the concerns — again, this is based on my two years within the system and what I learned when I was there — and challenges, of course, back when I was still in Corrections was that we had the Greyhound bus. That meant that, if someone was released from Corrections on a Friday, for example, they might still be able to get back south. They could go from Whitehorse toward Teslin or Watson Lake, but what we really saw when I was there was that when people were released from the facility and they lived in rural communities, there was a real struggle. There were oftentimes when folks would ask not to be released on a Friday. They would ask to be released on a Monday, because they were worried about breaching and about coming back. We can talk about having someone's requirement to be sober when you have an alcohol addiction, or to stay away from people when you have nowhere else to go, but it just doesn't make sense.

When I look at this, when we talk about the director of community corrections and the director of correctional facilities, I see this as an opportunity, because what I see when I see this is one person who is able to look outside of the City of Whitehorse and is able to focus on what supports are needed in communities. I think that this is a real opportunity. I was hopeful that the minister could expand a bit. Is there a definition of what a director of community corrections would do? What roles would that person take on and how do we see that position supporting folks in rural communities?

Hon. Ms. McPhee: Thank you for the opportunity to address this question. When conversations I was involved in began, one of the questions I had was making sure that there wasn't a division of some kind. If one person was involved in community corrections and one person was involved in the Whitehorse correctional facility, the director of community corrections would be responsible for directing, managing, and evaluating all aspects of correctional services and the practices therein in the Yukon that take place outside of the Correctional Centre. So, the director of community corrections will work closely with the director of facility-based corrections. I think that is absolutely critical. It is a priority in going down this road

to coordinate interrelated activities and programs and to promote the successful reintegration of clients, having an opportunity to focus on this. It is something that I have expressed. It is a very important priority for me. I, too, have been involved with the Correctional Centre and with individuals coming from the Correctional Centre in my past career, and the support that we must provide to those individuals for successful reintegration of clients who are leaving the Correctional Centre and returning to a community or to Whitehorse.

The position will be accountable for fair and transparent treatment of clients. I think the priority is that there will be a bridge between the services provided inside the Correctional Centre and those of community corrections. Examples of duties and responsibilities that the community corrections director will have will be to lead the operation of the community corrections branch, and to manage and implement budgets, plans, and strategies for the branch, to provide services and programs that meet client needs, public safety needs, and reflect best correctional practices and legislated requirements, make recommendations to address re-offending behaviour or related issues, if that occurs, and to work with First Nation governments, community groups, and government personnel in relation to the programs and services that are provided, to ensure that those services and community activities — branch activities — meet the mandates and the government's goals.

We want that individual to participate in intergovernmental committees and to maintain working relationships with other departments, with First Nation governments, and with non-governmental organizations to identify and address community justice issues in the Yukon in accordance with best practices, community and cultural requirements, with input from all those partners.

The person will work with other Justice partners on development, planning, implementation, monitoring, and program evaluation initiatives, such as evaluation of therapeutic courts, which is not necessarily a focus that has been maintained, or able to be done to the extent that it should be done.

I note that the director of community corrections, in all of that sort of list of things and responsibilities — and those are just some examples of duties and responsibilities — will be responsible for making sure that our out-of-Whitehorse Correctional Centre programs are expanded to serve the community.

The difficulty at this point, in my view, is transition, is after-care, is individuals who are returning to communities — either after a short stay or a long stay at the Correctional Centre — and making sure that the supports that are necessary for that person to reintegrate well, to be supported, and to be a contributing member of their community, in a way that they, no doubt, wish to be, is a priority going forward. Many conversations with our Yukon First Nation partners about how individuals can return, and should return, to communities are ongoing.

Ms. White: I thank the minister for that.

So, just based on the minister's answer, at this point, that position is evolving and working toward what that community outreach will look like. Will that position work, for example, with mental wellness and substance use? The minister remarked on housing and programming, and I know that one thing that I am told in every community is that, without having access to safe and sober housing, it is always going to be hard. It is going to be impossible, actually, to change. So, if the minister could just let me know what other government departments or positions this person will be working with.

Hon. Ms. McPhee: This individual in that role will be required to cooperate and have integration with — I am going to say Health and Social Services.

Earlier, as I was speaking to the response, it reminds me of the concept of housing with supports, which is a priority for the Yukon Housing Corporation and for the partnership — the MOU that exists — between the Yukon Housing Corporation and the Department of Health and Social Services, because it is only housing with supports that will allow us to provide wraparound services. We have had some very good examples where those kinds of wraparound services, for instance, have resulted in virtually no — I don't have it up to date — vacancy or evictions from a particular housing project here in Whitehorse for well over a year was because those wraparound services existed in that way. That is a strong indicator of success for individuals who have stability in housing and have stability in programming.

We have always taken a one-government approach. That has been a priority for our work, because what we know is that working in silos does not work. Housing works with Health and Social Services, and Health and Social Services works with Justice. All three of those work with Education. They work with Community Services and with Highways and Public Works on infrastructure projects. They work with Energy, Mines and Resources to make sure that our communities are safe. Community justice works in those roles as well. I don't at all mean for this to sound dismissive in any way, because it is not, but it is critical that all departments work in unison, and in a level of conversation and action by the officials in those departments, and ultimately, by the people who do that work on the ground for the purposes of making, not only this role, as it will be described, successful, but more importantly, successful for the individuals who are involved with Corrections.

Ms. White: I thank the minister for that. I guess my last point is: I wish that person in that position luck, because this can change the life of many people in a really positive way, depending on what they are able to do. I wish them that speed and going about it in a good way to make those partnerships and make those successes. I hope that the example that the minister used here about the success of not having folks evicted in the last year from a supported housing situation, that we will be able to mirror that in communities. At this point in time, Yukon communities desperately need that support as well.

I look forward to a ministerial statement on this person getting started and what that looks like.

Hon. Ms. McPhee: I would also appreciate this opportunity to describe this as an opportunity — a challenge absolutely — an opportunity for the department of Corrections, for Community Justice, and the responsibilities that exist under that unit in the Department of Justice to expand and to achieve many of their innovative dreams going forward in the service of Yukoners who are involved in the corrections department and with the corrections system.

As I've described earlier today, some and much of this work has been done, particularly with respect to the visioning of the requirement to do this, the decision to bring forward these changes to the *Corrections Act, 2009* to allow this to occur, and to, ultimately, support the individuals who will take on these challenges. Thank you for the comments.

Chair: Is there any further general debate on Bill No. 19, entitled *Technical Amendments Act (2022)*?

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

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 19, entitled *Technical Amendments Act (2022)*, read and agreed to.

Unanimous consent re deeming all clauses and the title of Bill No. 19 read and agreed to

Chair: The Member for Takhini-Kopper King has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 19, entitled *Technical Amendments Act (2022)*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 1 to 33 deemed read and agreed to

On Title

Title agreed to

Hon. Ms. McPhee: Madam Chair, I move that you report Bill No. 19, entitled *Technical Amendments Act (2022)*, without amendment.

Chair: It has been moved by the Minister of Health and Social Services that the Chair report Bill No. 19, entitled *Technical Amendments Act (2022)*, without amendment.

Motion agreed to

Chair: The matter before the Committee is general debate on Bill No. 20, entitled *Animal Protection and Control Act*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 20: *Animal Protection and Control Act*

Chair: The matter before the Committee is general debate on Bill No. 20, entitled *Animal Protection and Control Act*.

Is there any general debate?

Hon. Mr. Clarke: I am just inviting the officials to the Assembly, and will wait for them to take their seats. To my left, I would like to welcome Dr. Mary Vanderkop, the chief veterinary officer for the Yukon, and to my right is Kirk Price, the director of Agriculture.

It is my pleasure to speak today to Bill No. 20, entitled *Animal Protection and Control Act*, before Committee of the Whole. On October 18, 2022, I delivered a second reading speech about the *Animal Protection and Control Act*. This modernized statute will provide a comprehensive, enforceable legal framework for managing all aspects of animal protection and control in the Yukon.

I would like to take a few moments to express my sincere thanks to those who have worked on getting us to this stage today: as I mentioned previously, Dr. Mary Vanderkop, chief veterinary officer; Kirk Price, director of Agriculture; Diane Gunter, director of policy; Ksenia Jack, director of policy; Drew MacNeil, senior policy analyst; Samantha Cotterell, policy analyst; Erin Loxam, communications analyst; Jesse Walchuk, agriculture development officer; and Katherine Hartshorne, legislative drafter and counsel.

At a high-level summary, the *Animal Protection and Control Act* will fill the current gaps in Yukon's legislation, enabling effective management for exotic animals, high-risk animals, and feral animals, and address the growing concerns about animal hoarding.

It will provide greater authorities and powers for enforcement officers aligned with clear roles and responsibilities between the departments of Environment and Energy, Mines and Resources, which may reduce administrative burdens and resources required to control escaped livestock. It will empower communities to take ownership of animal control enforcement and reduce public safety risks in Yukon communities.

It will clarify and expand on the standard of care the owners are required to provide for their animals, including setting requirements for killing animals humanely, thus raising the bar for animal welfare. It will create an effective framework for managing animal rescues and other animal-related businesses, in turn reducing the extent to which the public would need to rely on civil litigation to address concerns with their operations.

The *Animal Protection and Control Act* modernizes the legal framework for animal protection and control in the Yukon. It fills the existing gaps and challenges we currently face around enforceability and will improve animal welfare and care standards in the Yukon to keep pace with other Canadian jurisdictions. The act allows for regulating specific species of animals, permitting and prohibiting ownership of animals of designated species — typically, exotic animals will be defined in regulation.

I would like to assure Yukoners that this legislation is not a tool to ban or restrict ownership of breeds of animals, such as dogs. Prohibited species are those that threaten public safety or the integrity of the environment, such as large carnivores, venomous reptiles, or invasive species. This approach is comparable to legislation about exotic pets in most other jurisdictions in Canada and was strongly supported by Yukoners.

There will also be a restricted species list where owners will require a permit to own these species of animals. This would include animals such as skunks and racoons. To be permitted to own a restricted species, one would have to follow the conditions set in regulation, such as ensuring the animal has the needed vaccinations and is spayed or neutered.

These conditions will ensure that these lower risk animals have proper control or care needed. An allowed species list will also clarify that some animals considered wild by nature in their country of origin can be owned as pets here without any restrictions — for example, canaries and hamsters. There is also no authority under the act to regulate the number of any domestic animals, including livestock, that can be owned, nor to require permits to be owned.

As we move forward in the development of the regulations under the *Animal Protection and Control Act*, we will engage with affected Yukon stakeholders, like pet store owners, on which species will be allowed, restricted, or prohibited for ownership in the Yukon.

There will also be further engagement on the regulations related to cosmetic prohibitions. The new act also meets the expectations of Yukoners by regulating animal-related operations through a permitting process. The intention of this permitting requirement is not to interfere with the operation of these facilities, but to bring comfort to Yukoners that welfare standards are being met, and inspected for, in these facilities.

The Government of Yukon has been working for several years to develop this new legislation. There were two phases of engagement. In 2018, we engaged Yukoners through a public survey, receiving over 900 responses, and held 10 community meetings to establish values and broad concerns. The second targeted phase took place in 2019 and through 2021 to discuss specific issues with the livestock sector, veterinarians, dog mushers, pet stores, rescues, and others directly impacted by potential changes. The public input demonstrated substantial support to improve animal welfare standards and set control requirements across the territory. Boarding facilities, pet stores, and animal rescues are in support of regulations, demonstrating that their operations merit the trust that their clients place in them.

We know that there are existing populations of feral horses in the Yukon and, in the past, there have been both feral cats or dogs in some communities. This act provides a suite of tools that had not been authorized in the past. Although there is no immediate plan to intervene with any feral population, these tools would allow for management of feral populations through surgical or chemical sterilization to control the number of animals without methods such as capture and destruction. It

also enables the ability to adopt new methods that might become available in the future.

The new legislation prohibits a number of methods of killing, including slaughter without a prior or simultaneous loss of consciousness. We have been in direct contact with religious communities in the Yukon, and they are aware and support that we will be prescribing nationally accepted guidelines that will allow this method to be used for the purpose of ritual slaughter to produce and allow for kosher meat.

Yukon's penalties and fines concerning animal welfare and control were lacking. This new legislation brings Yukon penalties and fines up to par with other jurisdictions across Canada. It is important to keep in mind that enforcement under this legislation is complaint-driven, with the first focus always being on bringing everyone into compliance. We have included alternative penalties for this very reason. It is generally not about punishment, but about raising the awareness of individuals of their responsibility to care for and control the animals that they own.

I would like to provide clarity on a concern raised by the member of the opposition during second reading. The act allows only a member of the Royal Canadian Mounted Police to enter a place, including a dwelling, without a warrant. The officer would only enter without a warrant in extreme circumstances where it is not feasible to obtain a warrant and that immediate action is required because the officer believes that an owner is not meeting a standard of care or providing an adequate quality of life for the animal.

The warrantless entry is consistent with section 4.2 of the Yukon's current *Animal Protection Act*. This is not a new provision. To the best of my knowledge, a warrantless entry pursuant to section 4.2 of the current *Animal Protection Act* has not been exercised. I would like to reinforce that, under the new act, it would only be exercised in exigent circumstances and actionable at arm's length from the Government of Yukon only by the Royal Canadian Mounted Police.

This action is comparable to other jurisdictions across Canada, such as the *Provincial Animal Welfare Services Act* in Ontario, which came into effect in 2019. In Ontario, an animal welfare inspector may enter a place without a warrant and search for an animal if the inspector has reasonable grounds to believe that an animal in the place is in critical distress and the time required to obtain a warrant may result in serious injury or death to the animal.

It is also comparable to Manitoba's *The Animal Care Act*, which allows an animal protection officer who believes that there is an animal in distress in a dwelling to enter and search the dwelling for the animal, with police officers, without a warrant if there are exigent circumstances or conditions, and obtaining a warrant would not be practical.

In comparison to the *Child and Family Services Act*, this provision enables only RCMP to enter without a warrant; whereas, section 39 of the *Child and Family Services Act* grants authority to a director or peace officer to enter, without a warrant, any place using reasonable force, if necessary, to bring the child into the director's care.

The bill before you is clear — that telecommunications methods are an option if an officer believes that it would be impractical to appear personally before a judge to apply for a warrant. This is consistent with the *Criminal Code of Canada* and supports situations where warrants are needed to access a rural property not close to Whitehorse, where a judge would, or might be, available. Allowing for telewarrants is not new in the Yukon. It is currently provided for under the *Wildlife Act*, and the *Animal Health Act*. It is also provided for in other jurisdictions, like British Columbia's *Prevention of Cruelty to Animals Act*, Nova Scotia's *Animal Protection Act*, and Manitoba's *The Animal Care Act*.

During second reading, there was also reference to section 17 of the *Animal Protection and Control Act* where an animal protection and control officer who is lawfully in a place may seize, without warrant. That is different from warrantless entry. This is the power of an officer, but it is only about being able to use the power to seize without having to get a warrant to seize when lawfully in a place already, such as with an entry warrant, or invitation, or following up on an order.

Without this new act and its forthcoming regulations, the Government of Yukon will fail to address long-standing concerns of Yukoners about the enforcement of animal laws in the territory and will fail to mitigate risks that uncontrolled animals pose to public health and safety, the environment, and property.

In closing, I would like to emphasize that we do not intend the act to come into force before the regulations are developed and passed, and that we will be engaging with affected stakeholders as the regulations are developed.

I would like to sincerely thank members for their time and their anticipated valuable contributions to the discussion around this bill.

Mr. Istchenko: Thank you, Madam Chair, and I would like to thank the officials. I would like to thank Kirk and Mary for joining us today and providing information on the *Animal Protection and Control Act*.

The Yukon Party is supportive of taking appropriate measures to keep our domestic animals safe and to ensure that, in the case of animal abuse or neglect, the government can step in to ensure that the animal is cared for appropriately. There certainly did need to be some changes to some of our very old legislation. Merging the old *Animal Protection Act*, the *Dog Act* and the *Pounds Act* into one piece of legislation is a convenient step.

I would like to note that it has taken awhile for this legislation to be tabled in this House. The high-level consultation occurred from October to December 2018, as the minister has said. The feedback is quite old. The “what we heard” document was released back in 2019, which now seems very long ago. The “what we heard” document outlines that there is still work yet to be done. It states that there needs to be more consultation with Yukon First Nations, municipal governments, and local advisory councils. The document also listed some next steps that need to happen, but there have been some disruptions since then.

I guess I will start with my first line of questioning. I would like to ask the minister to share what process happened after the “what we heard” document was released. More clearly, for the minister, what next steps did the government take to address those items that weren't clear and needed more discussion with First Nations, municipal governments, and local advisory councils?

Hon. Mr. Clarke: I anticipate, in providing my answers over the next days, that I can certainly provide some of the additional detail from the record of engagement. To start, robust public and stakeholder engagement on the development of the *Animal Protection and Control Act* has been ongoing since 2018. Public input across the territory demonstrated the substantial support to improve welfare standards and set control requirements for animals.

As the member opposite indicated, there were two phases of engagement. In 2018, we engaged Yukoners through a public survey, receiving over 900 responses. We held 10 community meetings in Carmacks, Mayo, Teslin, Tagish, Pelly Crossing, Dawson, Old Crow, Whitehorse, and Carcross. The second targeted phase took place in 2019 to discuss specific issues with the livestock sector, veterinarians, dog mushers, pet stores, rescues, and others directly impacted by potential changes.

Yukon First Nations and communities are supportive of improving, and where possible, jointly enforcing new standards in communities. Boarding facilities, pet stores, and animal rescue organizations are supportive of regulating the operations of these organizations. The agriculture sector wants recognition that they meet national standards of care and control for livestock.

While we certainly concede that the majority of the public engagement occurred before the pandemic, key facts on these issues have not changed. If anything, the need for new legislation has grown. We are being respectful of the effort and time spent by partners and stakeholders by acting on the input received. In fact, we have just reached out specifically to the Yukon Muslim and Jewish communities to ensure that the nationally accepted guidelines allowing the religious slaughter of animals to produce halal or kosher meat is supported.

With respect to the targeted engagement, which we anticipate occurring between the hopeful passing of this legislation and the enacting of the regulations in 2023, the departments will be meeting with veterinarians and breeders. We heard a question from the Leader of the Official Opposition with respect to cosmetic surgery with respect to certain dog breeds. There will be a targeted engagement with respect to that. I am advised by my officials that, with respect to livestock control and standards of care, there have been many meetings over the past few years.

With respect to the First Nation engagement, I have the indication of where the First Nations stood with respect to the engagement and consultation in 2019, and there is a summary of that. I think, to the points I made previously, we view that it is not likely that those positions have changed, but the discussions are ongoing. We certainly will redouble our efforts to confirm our advice and the input from First Nations, but I

would also just note that there have been decades of demands from First Nations for better local enforcement. Of course, there was a tragic death in the community of Ross River, resulting from a pack of wild dogs, and that, among other events, has been the push for our government to tackle this matter.

We know that the members opposite, the former government, the Yukon Party government of 14 years, had some opportunities to open up the various pieces of legislation, but they did not take the opportunity that was afforded to them to consolidate the various acts, and that's what we are doing.

I know that there have been concerns expressed from dog mushers. I can advise that mushers were consulted. We certainly acknowledge that there is an increase in public scrutiny around the sport. They were supportive of a regulatory framework to ensure individuals live up to the high standards that most in the sport endorse.

The *Animal Protection and Control Act* does not specify details about how animals, including sled dogs, are kept or managed. There is a focus on the state of the animal — well-nourished, hydrated, and socialized — not whether there is food or water present.

We expect the standards of care included in the document, *Mush with P.R.I.D.E.*, would be referenced in the regulations that will be developed for the new act. These would apply to sled dogs, whether kept for racing, working, or recreational purposes. These standards are applicable to other working dogs housed outdoors as well.

I do have significant detail with respect to the “what we heard” document from the meetings, which I certainly can begin to provide to the House. Of course, we have the summary of the “what we heard” document, but I will leave it there for now and continue my response.

Mr. Istchenko: So, we are talking about — or, I was asking about — the “what we heard” document. In the “what we heard” document from 2019, it states that there needs to be more consultation with Yukon First Nations, municipal governments, and local advisory councils. I did hear the minister speak a little bit about First Nations, but my question was: What were the next steps? What next steps did the government take to address those items that weren't clear and needed more discussion with the First Nations, the municipalities, and the local advisory councils?

Hon. Mr. Clarke: I've just been advised, and, of course, it's accurate with what the member opposite has indicated, that the “what we heard” document was from 2019, so I think these are the ongoing follow-ups, but the overall theme being that the feedback that both the Department of Environment and the Department of Energy, Mines and Resources have received from early 2020, which was the onset of the pandemic, is that the messages haven't really changed, but that meetings have occurred with local advisory groups and councils, that the veterinary services attend First Nation communities and have continued their consultation, and all that has done has confirmed the decades of demand for dog care initiatives. Also, with respect to veterinary services that are ongoing, over the course of those two years or so — two and something years —

that there have been consistent meetings with livestock control and standard of care. So those meetings have continued, but the message that comes from the “what we heard” document is substantially the same from those targeted meetings.

Going forward, in drafting the regulations, the focus will be on the groups that I indicated. The meetings continue. As I said in my initial speech, there is targeted engagement and targeted consultation, which will continue until we get it right.

Mr. Istchenko: It would be good then, I guess — and if the minister doesn't have it today in this House — if he could table in this House the times and dates, and who the department met with after the “what we heard” document that we have been speaking about. I am hoping that he can answer that.

I will continue on with the “what we heard” document because it is the same theme here. It outlines quite a few questions left over for other important animal organizations — the humane society and rescues — in the Yukon. There are next steps that are outlined in the “what we heard” document. Can the minister indicate what processes took place with the humane society and the rescues? Did the government go back and consult and engage with those organizations as the “what we heard” document committed to?

Hon. Mr. Clarke: The specific question with respect to the humane society — yes, the department has met with the humane society and has canvassed the outline of new methods of partnership under the new proposed legislation. The department has also engaged with individual owners of rescues about options to issue permits, and they indicated that they were in favour, but, as indicated, there would likely be further discussions. The department is in contact with both the humane society and individual owners of rescues.

Mr. Istchenko: For the minister, there are going to be other members of the House who also want to ask questions on this legislation — some of my colleagues, and I am sure members from the Third Party. I think it is key that we understand in this House dates and times, and who they met with. I think that it is key that we have this information so that we can make decisions.

Will the minister commit to providing, as soon as possible, basically — while we are up debating this — some information on dates and times that he met with the humane society or the rescue organizations — animal organizations — and also First Nations, municipal governments, and the local advisory councils?

Hon. Mr. Clarke: I will certainly make best efforts to provide an update on the meetings and consultation, but perhaps I will take this opportunity to indicate to those listening today as to the nature and breadth of the actual consultation that took place. That is contrasted — I did a bit of research. One of the times that there was an act to amend the *Animal Protection Act* was in 2008. At that time, consultation occurred in the spring of 2008 for the fall of 2008.

It was more approximate, but my understanding is that the consultation was less rigorous, and we will certainly get into that, perhaps, at future dates.

For the record, I will indicate the nature of a consultation that actually did take place. There was a committee meeting in

— these are all in 2018 — in Carmacks on November 5; in Mayo on Thursday, November 8 at the Mayo Curling Rink and Lounge; in Teslin on Tuesday, November 13 at the Teslin recreation complex; in Tagish on Wednesday, November 21 between 6:30 and 8:30 at the Tagish Community Centre; in Pelly Crossing on Monday, November 26, 2018, between 4:00 and 6:00 p.m. at the Selkirk old community hall; in Dawson City on Tuesday, November 27 between 1:00 and 3:00 p.m. and 6:00 and 8:00 p.m. at the Downtown Hotel conference room; in Old Crow on Wednesday, November 28 between 6:00 and 8:00 p.m. in the community hall; in Whitehorse on Monday, December 3 between 6:30 and 8:30 p.m. at the High Country Inn in room B; and then in Carcross on Tuesday, December 4 between 10:00 a.m. and 12:00 p.m. at the Carcross Learning Centre.

Then it continued. There was a meeting with the Champagne and Aishihik First Nations on November 14, 2018. There was another meeting of dog owners, including Yukon Quest and the Yukon Dog Mushers Association, on November 15, 2018.

There was a meeting with the RCMP on October 29, 2018. There was a meeting with dog mushers, including Muktuk Adventures, the Dog Powered Sports Association of the Yukon, and the Wilderness Tourism Association of the Yukon, on August 1, 2019. There was a meeting with the Kluane First Nation on October 16, 2019. There were meetings with the livestock health and wellness subcommittee on October 25, 2019, and December 2 and 7, 2019. There was a meeting with the Yukon Fish and Wildlife Management Board on October 22, 2019. There was a meeting with the Klondike Farmers' Forum on September 26, 2019, and December 10, 2019. There was also a meeting with the Agriculture Industry Advisory Committee on October 24, 2019.

I can advise about some of the high-level highlights. The consultation was significant and expansive and it went across the Yukon. I take the member's point that there may be some additional work that can and will be done over the course of the next four or five or six months or so, but the issues remain. I can certainly advise what some of the results were — I can do that, but it is not necessarily evolving technology, or that some of these issues were going to be somehow stale-dated. I don't disagree that it will benefit from looping back with target stakeholders, but the Department of Energy, Mines and Resources and the Department of Environment expended a lot of energy and resources and spoke to a lot of people and received a lot of feedback.

So, with respect to animal control, after all of these community visits and all of these different stakeholder engagements, what they heard was that people wanted a territory-wide requirement for owners to control their animals at all times; the freedom to allow their dogs off-leash, so the control doesn't mean that the dogs must always be on a leash; better tools to enforce animal control in the communities; animal control to apply to all owners of pets, livestock, and working animals; and that cats be confined to minimize their impact on wildlife. That was the high-level animal control summary.

What we heard clearly on animal protection was for animals to be recognized as sentient beings, capable of feeling, and not just as property. People want the well-being and interest of animals to be protected; higher standards of care for animals that exist now in the Yukon; standards of care that apply to all animals, pets, livestock, and working animals; that there be no unreasonable regulatory burden on legitimate uses of animals, like mushing, farming, fishing, and hunting; and the enforcement of animal protection laws. That was the high-level on animal protection from that comprehensive community engagement and consultation.

With respect to enforcement, what we heard clearly was that people wanted more enforcement of animal protection and control requirements; enforcements that will deal with animal hoarding; remove animals from situations of abuse or neglect; and, in some cases, prohibit a person from owning animals. There was consensus that people wanted higher penalties, particularly for training animals to fight or otherwise supporting animal fighting; fines to escalate for repeat offenders; more effective enforcement tools for local governments and communities; and the increased capacity for enforcement.

With respect to animal organizations, the information that was synthesized was that people want rescues and pet stores to have a permit to operate, and their physical facilities to be inspected; a regulatory framework that doesn't impose a significant burden on these organizations or jeopardize their operations, because they value the work of animal organizations; a standard in place for the care of sled dogs, specifically; some level of regulation or inspection of boarding facilities, so that they can feel comfortable — by "they" I think it means Yukon citizens — leaving their animals in their care; and limit the number of companion animals that someone can own without requiring a permit. That is to address animal hoarding.

With respect to feral animals, the high-level concerns were for the Yukon government to have the legal authority to manage feral animals; proactive management approaches, so that domestic animals don't become feral; feral animals to be destroyed only when it is done to protect the health of wildlife, the integrity of the landscape, and/or public health and safety. Interestingly, the majority of respondents at the time — 72 percent — support the Yukon government creating the authority to control feral populations. Only 11 percent were opposed, and the other 17 percent were either not sure or did not answer the question.

From the comments and discussions in community meetings, it was clear that people want action to control feral populations; however, people much preferred proactive approaches to responsive ones. Media coverage of several escaped wild boars in the summer of 2019 likely contributed to the large number of comments we received about managing wild boars. Respondents generally advocated for proactive fencing requirements to keep wild boars in the Yukon, rather than destroying escaped wild boars once they were on the landscape.

Some respondents considered feral horses to be wildlife that belong on the Yukon landscape. Most, however, considered the horse to be a threat to the health of wildlife, because of diseases they can carry, and also their impact on the landscape. People were also concerned about the threat feral horses pose to motorists. Some respondents advocated for immediate removal of all feral horses from the landscape. Respondents expressed that, if action was going to be taken to remove feral horses from the landscape, the meat should not be wasted. There was some support for allowing the harvest of feral horses or other animals that might establish a feral population.

With respect to exotic animals, the high-level “what we heard” from the 2019 engagement — which involved travel to at least 10 communities and many in-person meetings with affected persons at that time — the loose consensus on exotic animals was to prohibit ownership of exotic animals that pose a risk to wildlife, other animals, the landscape, or to public health and safety. Also, for exotic animals owned in the Yukon to come from sources that do not support an illegal trade in wildlife in other jurisdictions, and to prevent exotic animals from establishing a feral population — that is, animals that could survive a winter and thrive in the Yukon — and a simple regulatory framework allowing for ownership of common exotic pets, which I mentioned previously — animals like budgies and hamsters — that don’t pose any risk.

The survey comments and the comments in community meetings were much more clarifying. From “what we heard”, people want a system in the Yukon that prevents animals from being owned in the Yukon if those animals could present risks if they escape, including disease risks to wildlife, risks to public health, or a risk of establishing a feral population and impacting ecosystems in the Yukon; does not over-regulate the sale or possession of common household pets that do not pose risks; allows for exotic pets to be owned with a permit when certain conditions are met; does not support an illegal international trade in wildlife; and provides clarity on what animals can be owned as pets or livestock, either with or without permit. Few respondents were entirely opposed to any pets, other than cats and dogs, being allowed.

Concerns expressed in comments and at a public meeting included that the source of exotic animals can sometimes be problematic — that is, for example, animals taken from the wild and being sold. Some owners acquire exotic pets without knowing how to properly care for them or without ensuring that there are sufficient supports in the Yukon — that is, access to specialized diets and veterinarians with the required expertise. Some exotic animals can pose a safety risk — for instance, tigers. Some exotic animals can pose a disease risk to wildlife, other domestic animals or the public; and some exotic animals have the potential to survive and thrive on the Yukon landscape — for example, racoons and skunks.

Some of the follow-up from “what we heard” was —

I will continue this on a subsequent answer, because I might be short of time here, but there was a phase 2 engagement summary, and I will certainly endeavour, during the course of this sitting, to provide as much detail — we have a detailed

engagement summary. I take the member opposite’s point that members opposite want more recent — but, like I said, the conclusion reached is that the positions have not significantly changed.

There was a follow-up meeting with the dog mushers — as I said, Muktuk Adventures, Dog Powered Sports, Wilderness Tourism Association of the Yukon — and what we heard from that meeting, which was in the late summer of 2019, was they supported the standard that it will help with public education and misunderstandings about mushing practices, that having dogs chained is a normal, healthy practice and does not mean that there is anything wrong with the care of the dogs. There was a proposal for a move to an outcome-based approach for animal welfare to ensure that dogs have what they need to maintain adequate body condition and hydration.

As I stated previously, the use of *Mush with P.R.I.D.E.* standards as a starting point could develop Yukon-specific standards for mushing dogs — a proposal to set baseline standards and avoid having to physically see a veterinarian. That was their wish, which is seen to be difficult in remote areas. That group did not want redundant permitting.

There was a follow-up meeting with the Kluane First Nation on October 16, 2019. Some of the points that they made were: there was a need to control the number of dogs; the owners needed to control their animals; if trapping animals, there needed to be rules around when to check traps; Kluane First Nation was seeking funding for enforcement; the fine for the first-time neglect offence should be higher; there should be enhanced enforcement — however, this might cause culture and other clashes in some areas — and animals should be kept on their own property if they are not on a leash or tied; and dogs running loose on highways, in front of businesses, and visiting other people’s homes is a continuous problem. That was a follow-up with the Kluane First Nation.

As I indicated, there was comprehensive consultation. The record will likely reflect that there were some challenges that existed by virtue of the global pandemic with respect to regular, in-person meetings because, obviously, that was a factor, but the actual consultation period — the consultation process — for this legislation was — and I will continue with the “what we heard” document and some of the follow-up that occurred, and I will endeavour to provide as much information as I possibly can because I know that some concerns have been expressed with respect to — that there ought to be ongoing targeted consultation. As I have indicated a number of times already, the government is committed to that targeted consultation prior to enacting any regulations.

Mr. Istchenko: I thank the minister for that. The minister did say that he would make best efforts to get this information. So, when I listen to the minister outline all of the different meetings in 2018, unless I wasn’t hearing correctly — I did miss a couple — there were a couple of communities that were missed, and I believe a First Nation. If the minister just doesn’t mind tabling the documents that he is speaking to, tomorrow in this House, we can read through them — all members can — and I thank him for that.

So, I want to keep going here. I want to move on to another question.

Many Yukon businesses rely on animals to help them operate here in the Yukon. One of those groups is the outfitters, which is, I would say, almost one of our oldest industries in the Yukon. They sent a letter to the minister. In that letter, which I tabled earlier today, the outfitters association notes that their industry relies heavily on working animals to conduct their business, mostly dogs and horses. However, the association also revealed that — and I quote: “... we were not consulted on the contents or details of this legislation.”

They go on to request that the government pause the bill to adequately consult. They note that — and I quote: “We need legislators, regulators, and policy makers to understand our needs so that the resulting species-level standards of care are practical and appropriate for our continued use of working animals.”

That is deeply concerning that the consultation missed a large industry in the Yukon, so could the minister outline how the Yukon Outfitters Association was missed in the consultation?

Hon. Mr. Clarke: What I would say, just in the time that I’ve been in the position of Minister of Environment, there is certainly a lot of communication that occurs with the outfitters. I have likely met with them in person at least twice, and I know that my department is liaising with them on a lot of issues, including setting quotas and setting new policies and procedures — policies for the operation of the outfitting concessions. So there is frequent engagement with outfitters.

Whether there has been actual consultation specifically with respect to the *Animal Protection and Control Act* — it seems that there may not have been specific engagement, but that’s certainly not for want of there being a lot of communication with outfitters over the course of the last 18, 19 or 20 months. We certainly recognize the value that they provide to the territory in that industry, and we are certainly continuing to have fruitful relationships with them.

So, that would be part of the targeted consultation with respect to the regulations. I understand that our officials have a call in to the outfitters.

One cannot assume anything in this business, and I know that to be the case — you cannot assume anything in this business. But, as I said, outfitters are in regular contact with the Department of Environment on a number of issues, and we have good lines of communication. Those communications will continue.

We do anticipate that they will be consulted about the potential regulations in this act and recognize that they have working animals and horses. But also, what I would say about outfitters is that we certainly presume, as responsible businessmen and ethical hunting business persons and as ethical hunters, that they are treating their horses with respect. They are an asset for those concessions. I don’t really anticipate there being any particular red flags or any pitfalls in discussions with outfitters. They run ethical practices, so we have no particular concern with that. As I indicated, we are in regular contact with outfitters, and we will continue those lines of

communication to receive their input with respect to the working horses that they have in their operations.

Mr. Istchenko: The purpose of consultation is to get information from organizations. It’s not for the minister to make assumptions.

This law affects their business directly. Does the minister not think that it would have been a good idea to consult with them?

I’m going to continue on with my line of questioning here when it comes to some of the technical questions for them in there. This is important. This is their livelihoods. This is how they make a living.

I have a couple more of these things regarding those working animals, and I hope the minister can provide a bit of clarity. Under section 30, “Duties of owners”, it says: “The owner of an animal must (a) comply with the standard of care applicable to that animal...”

I’m hoping that the minister can provide a bit more information on the interpretation of “standard of care”, because, for working animals, as it applies to horses or mules that may be used outside, certain requirements might make it difficult to continue doing business. While operating in the wilderness, outfitters and tour companies typically don’t have manmade shelters or barns at some of their camps.

That’s why it is important that we get a clarification for us, but also for the outfitting and those other businesses, on exactly what “standard of care” means.

Hon. Mr. Clarke: I just wanted to emphasize that we have no intention of — with respect to the regulation-making process, we have no intention of impacting outfitters, so that the animal care standards result in unintended consequences that could negatively impact the needs of your business. We have no intention of doing so.

So, standards of care exist for various species, including horses. There is a national standard that we expect can be adapted for the Yukon to be referenced in regulation. The details would be decoded on through consultation with industry, but just indicating that the regulation-making powers allow not only for different rules for specific types of animals, but also animals associated with a specific, or a specified, activity and a specified use of an animal. There is the capability of the recognition of the working horses that the outfitters have.

I can also advise, with respect to agriculture, that the recommendation that was developed through industry was that the national Codes of Practice for the care and handling of farm animals be adopted.

This is a recent letter that has been received from the Outfitters Association. As I indicated, we do have regular contact with the outfitters and a good line of communication, and we do not have any intention of there being unintended consequences that would somehow negatively impact their business operations, as they are currently. We look forward to those conversations.

I am just reviewing my notes. Just to be clear, the important part of regulation-making is, as I indicated, that the regulation powers allow, once again, not only for different rules for specific types of animals, but also animals associated with a

specified activity or specified use of an animal, which would seem to squarely fit with the outfitters.

I am cognizant of the fact that we will be receiving letters of concern during the course of the review of this legislation during the course of the Fall Sitting. We are doing our best to respond to these letters and turn them around very quickly and to provide substantive replies. I have directed my department to do so, and we have done so, so far. We have already drafted a number of letters in reply, and I know that my officials will be in dialogue with the various stakeholders to answer any questions that they may have.

I look forward to further discussions and further debate in Committee on the *Animal Protection and Control Act*; however, seeing the time, Madam Chair, I move that you report progress.

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

Motion agreed to

Hon. Mr. Streicker: Madam Chair, 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. 19, entitled *Technical Amendments Act (2022)*, and directed me to report the bill without amendment.

In addition, Committee of the Whole has considered Bill No. 20, entitled *Animal Protection and Control Act*, 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 5:27 p.m.

The following documents were filed October 25, 2022:

35-1-78

Draft Yukon animal protection and control act, letter re from Cain Vangel, President, Yukon Agricultural Association to Hon. Nils Clarke, Minister of Environment and Hon. John Streicker, Minister of Energy, Mines and Resources (Streicker)

35-1-79

LFN support for amendment to Yukon *Oil and Gas Act* ("YOGA"), letter re (dated November 19, 2021) from Chief Stephen Charlie, Liard First Nation, to Kate White, Leader of the Third Party (White)

35-1-80

Section 13 of the *Oil and Gas Act*, letter re (dated October 18, 2021) from Dan Yetthi Hede Chief Nicole Tom, Little Salmon/Carmacks First Nation, to Kate White, Leader of the Third Party (White)

35-1-81

Section 13 of the *Oil and Gas Act*, letter re (dated October 26, 2021) from Chief Doris Bill, Kwanlin Dün First Nation, to Kate White, Leader of the Third Party (White)

35-1-82

Support letter to private member's bill section 13 of the *Oil and Gas Act*, letter re (dated December 7, 2021) from Eric Morris, Naa Shaáde Háni, Teslin Tlingit Council, to Kate White, Leader of the Third Party (White)

35-1-83

Proposed amendments to the *Oil and Gas Act* (Yukon), letter re (dated October 18, 2022) from Peter Johnston, Grand Chief, Council of Yukon First Nations, to Kate White, Leader of the Third Party (White)

35-1-84

Bill No. 305, truth and reconciliation statutory holiday, letter re (dated October 18, 2022) from Peter Johnston, Grand Chief, Council of Yukon First Nations to Annie Blake, Member for Vuntut Gwitchin (Blake)

35-1-85

Truth and Reconciliation Day, September 30, letter re (dated October 17, 2022) from Simon Mervyn, Chief, First Nation of Na-Cho Nyäk Dun to Annie Blake, Member for Vuntut Gwitchin (Blake)