



# **Yukon Legislative Assembly**

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Number 87

1<sup>st</sup> Session

35<sup>th</sup> Legislature

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## **HANSARD**

**Monday, October 31, 2022 — 1:00 p.m.**

Speaker: The Honourable Jeremy Harper

# YUKON LEGISLATIVE ASSEMBLY

## 2022 Fall Sitting

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

### CABINET MINISTERS

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

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

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

### LEGISLATIVE STAFF

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

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Monday, October 31, 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

**Ms. White:** I would ask all members of the Assembly to join me in welcoming a personal hero of mine here today, a woman who is no stranger to this Assembly, for a tribute to her 90<sup>th</sup> birthday, Margaret Commodore. We would have known her back in the day as “Margaret Joe”. She is joined by so many people today: her daughter, Trace Joe-Caley; Ray, Capri, and Michael, with Casey and Noah; Sharon Shadow; Logan Boulter; Aiden Boulter; Sheila Joe and Charles Bisaillon; Bill and Adeline Webber, of course, who were at the party last night, which was very fun; Coady Simpson; Judy Gingell, who is no stranger here; Shayne Boulter; Jan Stick, a previous MLA; and Jace Backman; Ray Caley; Anika Backman; Laurie Backman; Tara Backman; and Stephanie Commodore.

Could we welcome everyone to the Assembly today?

*Applause*

**Ms. White:** Sorry, Mr. Speaker — someone else just walked in, I believe, for the tribute. Chief Doris Bill just joined us.

*Applause*

**Hon. Ms. McLean:** I, too, would like to welcome all of our special guests here today for our tributes. There are two more I would like to introduce. For Learning Disabilities Awareness Month, Cynthia Lyslo from Opportunities Yukon and Jolene Walsh from Opportunities Yukon.

Thank you so much for being here today.

*Applause*

**Speaker:** Tributes.

## TRIBUTES

### In recognition of Learning Disabilities Awareness Month

**Hon. Ms. McLean:** I rise today on behalf of our Yukon Liberal government and the Third Party to pay tribute to Learning Disabilities Awareness Month, which is recognized in Canada every October.

The goal of this month is to increase awareness about the challenges faced by all people who have diverse learning needs. This is especially important for young children who are about

to begin school. If a child gets the appropriate resources and support early enough, they will have the opportunity to thrive and be successful in whatever they choose to do later in life.

I know that the past few years have been very challenging ones for staff of all Yukon schools. Despite this, teachers and support staff continue to focus on ways to provide additional supports to neurodiverse students.

My sincerest thanks to all the educators for their dedication to creating a future where every child belongs, connects, and thrives. My thanks, as well, to the many dedicated individuals and organizations that are committed to supporting children and adults facing challenges with their learning. In particular, I would like to mention all early childhood educators, the LDAY Centre for Learning, Inclusion Yukon, Autism Yukon, the Child Development Centre, the Fetal Alcohol Syndrome Society Yukon, and Opportunities Yukon.

I also want to acknowledge the important work that First Nation governments and the Yukon First Nation Education Directorate are doing to support First Nation citizens and youth. We are fortunate to have so many organizations and people working together to support vulnerable Yukoners. They remind us that valuing the diversity of all learners makes our communities stronger. We know that there is still more to do to ensure that all Yukon children get the support they need. We are dedicated to our work on reimagining inclusive and special education.

I would like to remind all Yukon parents that if you think your child might have a learning disability, please don't wait to ask for help. Supports are there to help them succeed in school and in life.

*Applause*

**Ms. Van Bibber:** I rise on behalf of the Yukon Party Official Opposition to recognize October as Learning Disabilities Awareness Month in Canada. Learning disabilities can affect people in a number of ways. Many who are diagnosed with a learning disability are extremely smart, but to read and write, it can be a challenge. Often diagnosed in childhood, these disabilities can affect a person's ability to acquire, understand, retain, and use information. No two learning disabilities are the same, and all present differently. Children, youth, and adults can have difficulties processing language, math skills, written expression, fine motor skills, interpreting audio or video information, and more. Without early intervention and support, these challenges can negatively affect the development of children's literacy skills and progression through school.

I would like to emphasize the importance of literacy educators in our schools. Not only do they help children recognize challenges that they may have in reading, but they have some pretty incredible tools to help them overcome those challenges. I would like to thank all those who work in our school system to help support students with learning differences.

Also, a special thanks to the Learning Disabilities Association of Yukon, or LDAY, a non-profit organization that champions learning differences. LDAY is dedicated to

increasing awareness of learning disabilities and providing supportive learning opportunities to Yukoners of all ages.

I would like to close with a quote from teacher Ignacio Estrada: “If a child can’t learn the way we teach, maybe we should teach the way they learn.”

*Applause*

### In recognition of Margaret Commodore

**Ms. White:** Thank you, Mr. Speaker. I’m so honoured to rise to ask all members of this House to join me in recognizing a remarkable woman, one known to many in and outside of this House, Margaret Joe, Margaret Commodore, or you might know her as “Mugsy”. Paying tribute to Margaret today, just a day after her friends and family gathered to celebrate Margaret’s 90<sup>th</sup> birthday, is both a joy and, quite frankly, a little bit daunting.

The stories that were shared last night paint the picture of her truly epic life. At 90, Margaret has lived and continues to live a life that reflects the dynamic and challenging times that are our collective history. Born in Chilliwack, BC, Margaret is a member of the Soowahlie First Nation. She attended the Alberni residential school for eight years, and in 2013, she gave a riveting and powerful testimony at the truth and reconciliation gathering in Vancouver. The strength it took to bear witness at the TRC does not surprise anyone who knows Margaret. The fact that she was 82 when she spoke the truth so clearly, acknowledging that healing is something you have to go through to get rid of all the pain that has been there so long, speaks to the remarkable resilience of this woman.

Margaret’s Yukon story mirrors that of so many. Margaret came up for a cousin’s wedding and stayed two years. She went back to BC and returned a few years later with two young daughters and after a marriage that resulted in loss of her Indian status. In 1963, she graduated as a practical nurse and worked in the field until 1970. From her earliest days in the Yukon, to say that Margaret was an active member of our community would be a classic understatement. There was the board of the Skookum Jim Friendship Centre — and then a founding member of the Yukon Association of Non-Status Indians, or YANSI.

Her start in politics came from being part of the formation of YANSI, for which she served as vice-president for seven years. In the amazing treasure trove of photos that form the Margaret archives is a YANSI T-shirt with the logo “Equal acceptance through equal participation for a balanced society”.

She was a founding member of Ye Sa To Communications and a founding member of the Yukon Indian Women’s Association. She worked hard to establish and build the Yukon Women’s Transition Centre, later named “Kaushee’s Place” after her friend Kaushee Harris from Atlin. She was a founding member of the Yukon Native Development Corporation. She was a founding member of the Yukon Native Hockey Association, and as you can see, she was part of the foundation of so many incredible initiatives that remain active today.

Margaret was also the first female director of the Native Council of Canada and longest sitting member of their board of directors. When Margaret was appointed as a Yukon Justice of

the Peace in 1980, the *Whitehorse Star*’s headline was “Margaret Joe Native Activist Becomes Margaret Joe JP: Still pushing for the forgotten people”.

In 1982, she was elected as the Yukon NDP MLA representing the riding now known as “Whitehorse Centre”, which included downtown Whitehorse and the Kwanlin Dün First Nation, which was located in the Marwell industrial area at the time. Her three years as part of the NDP opposition helped to hone her skills and focus on the issues key to her success over the ensuing years.

Margaret broke through many glass ceilings. In 1985, she was the first aboriginal woman in Canada to be appointed to a Cabinet position when she became the Minister of Health and Human Resources. In that Cabinet, she rebuilt the former women’s bureau into a stand-alone directorate that we now know as the “Women and Gender Equity Directorate”.

After the 1989 election, Margaret became the first indigenous woman Minister of Justice in Canada. She worked with communities to address systemic issues, and to this day, there are still highlights of the justice initiatives in use that Margaret championed.

As a minister, Margaret was not afraid to take on contentious issues. Whether it was developing legislation for the first Yukon *Employment Standards Act*, the first Human Rights Commission, or improving and expanding childcare in the Yukon, she did it all. She was proud to be part of the Penikett government when, in 1989, the Yukon NDP Cabinet approved the land claims agreement in principle.

Today, as Yukon struggles with serious addictions issues, it’s notable that it was Margaret who demonstrated the courage of her convictions as the minister responsible for the liquor board and introduced and kept FAS and FAE warning labels on liquor sold in the Yukon. At the time, Yukon was the only jurisdiction doing this.

I first met Margaret on the campaign trail, and I can’t be sure if it was in 2006, but I know for sure that she took me door-knocking in 2011. And it’s funny, because when I was told that Margaret would be heading out with me, I had no idea what that meant, and I’m glad that I hadn’t been handed her resumé or briefed ahead of time because I would have remained speechless, and we all know that doesn’t work for door-knocking.

Margaret is so generous with her knowledge and her support, and she has encouraged legions of women to put their names forward to seek political office. Once they did, she was there to mentor them throughout the process.

But even if you are never involved in politics in the Yukon, you probably know Margaret as the most devoted fastball player and fan ever in existence. Margaret’s love of sports started young. At 15, she was the first aboriginal woman in the Chilliwack league, and she continued in the Yukon in the 1950s and beyond, when she became known as “Mugsy Joe”. Margaret loved the game so much that it had an impact on her whole household. Her daughters and husband all played the game, and a friend commented — and I am quoting: “She had the drive and the energy to pass on the love of sports and brought together First Nation girls who learned valuable life

skills such as discipline, tenacity, love of sport, teamwork, focusing on goals, acting quickly on your feet, self-esteem and the importance of not being affected by negative attitudes. To play was transforming them into adults able to handle whatever life threw at them.”

And it was Mugsy who organized the first Yukon First Nation softball league. Another friend commented that Margaret made a difference in the challenging world of politics without ever leaving the ball field.

In addition to fastball, Margaret is an avid fisher, and she has her fishing gear in the trunk at all times, which means that getting from point A to point B anywhere in the Yukon takes twice as long, since she has to stop at all the good spots along the way. In the slideshow last night was a photo of Margaret taken weeks ago participating in the Witches Paddle, black hat and all, because who doesn’t want to do that when they are 89, turning 90?

It is no secret that Margaret is a big Canucks fan, so let’s hope that they get their act together for her soon, because this would be a worthy gift to celebrate a 90<sup>th</sup> birthday.

So, Margaret has taught so many of us to be brave, to be loud, and to speak our truth. She holds up and continues to advocate for those values so important to many: human rights, social justice, and fairness and equality for all. She lives and breathes and shows us that these attributes are possible — indigenous woman, mother, grandmother, great-grandmother, athlete, artist, and yes, even a politician.

Margaret is a true renaissance woman. She has lived a truly epic life. We love her and we wish her the best on this auspicious birthday, with many more to come.

*Applause*

**Hon. Ms. McLean:** It is my incredible honour to rise today on behalf of our Yukon Liberal government to pay tribute to Margaret Commodore — or “Margaret Joe”, as I knew her growing up. Margaret Commodore represented the electoral district of Whitehorse North Centre in this Legislature from 1982 to 1992 and served Whitehorse Centre from 1992 to 1996. She served, as has already been stated, under the Tony Penikett government as Minister of Health and Human Resources. She was also the first indigenous Minister of Justice in Canada and the first-ever First Nation woman to be named in a Cabinet in Canada. I know that, on the day I was sworn into Cabinet in 2016, I thought of her and how it must have felt the first time she was sworn into Cabinet and how brave she was.

Margaret was my predecessor in another way. She also was responsible for the newly created status of women office from 1985 to 1992. Margaret is, as already mentioned as well, a member of the Sto:lo First Nation from British Columbia, but used her voice for many years on behalf of Yukoners.

She also bravely and publicly shared her experience as a residential school survivor at the Truth and Reconciliation Commission in 2013. I am pleased to share that Margaret will participate in the next meeting of the federal-provincial-territorial ministers responsible for the status of women, which takes place next week in Nova Scotia.

To mark 40 years of this FPT forum, Margaret will join a panel alongside Jean Augustine, the first black Canadian woman to serve as a federal minister, and Jennifer Howard, Manitoba’s first openly lesbian Member of the Legislative Assembly. I very much look forward to hearing her unique perspective on the past, present, and future of these important discussions.

No matter what your political affiliation, whether you are indigenous or non-indigenous, we owe a debt to Margaret’s leadership in this territory. The word “trailblazer” is a fitting description for Margaret. The work she did paved the way for many of us and continues to inspire us.

Last Friday, I was honoured to be invited by Adeline Webber to attend an event marking the 50<sup>th</sup> anniversary of YANSI, and I had a chance to sit with an incredible group of trailblazers: Adeline and her husband, Bill Webber, Judy Gingell, Winnie Peterson, Sharon Shadow, Margaret herself, and several others. I listened to them reminisce about old times and the work they did together to lead our incredible territory.

When I told them that I would be participating in this tribute today, they started talking about Margaret and, of course, talked about the points that were just mentioned, but we also talked about her beloved nickname “Mugsy”. That’s how I knew her — Mugsy Joe — and how she was famous for coaching the Pipeline Blasters, which was, as mentioned, an all-First Nation women’s softball team. She did this for years. They were unbeatable and feared. I talked to my sisters yesterday, and they talked about the same — just how much influence she had on all of us.

Margaret holds a special place in the hearts of many Yukoners, and she will always be known as one of the women who led so many of us. For me personally, she will always be one of the women who led me to the Yukon Legislative Assembly. To be standing here today — it is a complete honour to have known you my entire life. I know that many Yukoners share the same.

Mr. Speaker, I ask all members to join me today in recognizing the incredible achievements of Margaret Commodore and to wish her a happy 90<sup>th</sup> birthday.

*Applause*

**Mr. Dixon:** I rise on behalf of the Yukon Party Official Opposition to pay tribute to Margaret Commodore on the occasion of her 90<sup>th</sup> birthday.

It is a wonderful milestone and certainly one worth celebrating. My colleague, the Member for Porter Creek North, had the pleasure of attending the party last night and let us know how eloquently Margaret spoke about her arrival in the Yukon, her family, and her political life.

Margaret’s political legacy is certainly what many people know her for. As my colleagues from both the Liberal caucus and the NDP caucus have explained, she was a member of this Assembly, she was the first indigenous woman named to a government Cabinet, the first indigenous woman to be named the Minister of Justice in this country, and so many other accomplishments that have been listed today — an incredible

political legacy and contribution to the political growth of this territory that deserves much commendation.

I want to especially highlight the important contribution that Margaret, known on the ball diamonds as “Mugsy Joe”, made to sport in this territory and, in particular, to women’s fast pitch. Mugsy was always known as a strong athlete with a deep passion for fastball. Anyone who played with her over the years always speaks about how deep and inspiring her passion for the game is. It has been that passion and commitment that made her such a valuable teammate and mentor to many generations of fastball players in the Yukon.

She was a pitcher and played on a variety of recreational and competitive teams right from when she arrived in the Yukon with her two daughters, Trace and Jackie. I should note that both Trace and Jackie are great ballplayers as well. Jackie was, by all accounts, an exceptional pitcher and Trace, a middle infielder originally and took up pitching a little later in her career and still pitches every year in the Discovery Days fastball tournament in Dawson. Of course, at that tournament, Mugsy is a regular fixture in the stands, cheering and supporting all those taking part.

In the summer of 1976, Mugsy was the starting pitcher for the Kopper Kweens ladies’ fast-pitch team. She took a young pitcher in her early 20s, freshly arrived from Toronto, under her wing. Of course, I am talking about my mom, who showed up after the introductions today — to avoid being introduced, I think. To this day, my mom enjoys sharing stories about their years playing ball together and their escapades, both on and off the diamond. It was largely due to their relationship on the diamond that led Mugsy to hire my mom as the rec director for YANSI back in 1977.

As well as Mugsy’s work with YANSI championing First Nation rights, she was also an enthusiastic champion of promoting sports and recreation in each and every Yukon community.

So, whether it was on the field inspiring other young women to join the sport or through her political positions, advancing the importance of sport to Yukon communities, Mugsy Joe has created an exceptional legacy when it comes to sport in this territory and, in particular, fastball.

I understand that last night Mugsy spoke about her passion for ball and that the camaraderie and lifelong relationships that she developed through ball are something that she will cherish forever. So, I want to assure Mugsy that the feeling is mutual — with just about every person I’ve spoken to about their time playing with you.

So, on behalf of me, my family, and, of course, on behalf of all my colleagues, happy 90<sup>th</sup> birthday, Mugsy.

*Applause*

## TABLING RETURNS AND DOCUMENTS

**Speaker:** Under Tabling Returns and Documents, the Chair has for tabling the *2021 Annual Report — Protecting the public’s interest in fairness, accountability and information rights during challenging times — Yukon Ombudsman, Yukon Information and Privacy Commissioner, Yukon Public Interest Disclosure Commissioner*.

Are there any returns or documents for tabling?

**Mr. Cathers:** I would like to table a letter today to the Hon. Marco Mendocino, Minister of Public Safety for Canada, from me, entitled “The Yukon Opposes use of RCMP resources for federal gun confiscation”.

**Mr. Istchenko:** I have for tabling an e-mail that was sent to the Minister of Environment from the Growers of Organic Food Yukon and it’s in reference to Bill No. 20.

**Ms. Blake:** I have for tabling a letter from the Carcross/Tagish First Nation in support of Bill No. 305.

**Speaker:** Reports of committees.

## REPORTS OF COMMITTEES

**Hon. Mr. Clarke:** I have for tabling *Sixth Report of the Standing Committee on Appointments to Major Government Boards and Committees*, dated October 31, 2022.

**Speaker:** Are there any further reports of committees to be presented?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

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

THAT it is the opinion of this House that the colonial experience in Canada, including the residential school system, was a genocide upon indigenous people in accordance with Article II of the United Nations *Convention on the Prevention and Punishment of the Crime of Genocide*.

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

## MINISTERIAL STATEMENT

### Erik Nielsen Whitehorse International Airport

**Hon. Mr. Clarke:** I rise today to give an update on the work being done at the Erik Nielsen Whitehorse International Airport.

The government continues to support the Yukon’s aviation industry. Our aviation system is essential for connecting our communities, building our economy, and linking the Yukon with the rest of the world. Recognizing this, we have made historic investments in aviation over the past few years, including upgrades to equipment and facilities.

The 10-year flight path strategy guides our investments in the Yukon’s aviation infrastructure for the benefit of Yukoners and the territory’s air carriers.

As the major airport in the Yukon, the Erik Nielsen Whitehorse International Airport is a conduit for many important operations within the territory. It supports critical medical and community services and provides a vital connection for the tourism and resource sector and much more.

Mr. Speaker, it is crucial that we have up-to-date infrastructure that can support the operations of today and tomorrow. In August, I had the opportunity to visit the airport to see the ongoing construction work that is happening to ensure that this facility can continue to support Yukoners, visitors, and businesses well into the future. This past summer, we upgraded taxiways, replaced apron panels, and rehabilitated the parallel runway at the airport. This is just the beginning.

I am very proud and excited to say that we will be expanding on these infrastructure upgrades with the help of the national trade corridors fund. Together with the Government of Canada, we are investing \$248 million in airfield upgrades at the Whitehorse airport. This includes reconstructing the main runway, installing improved lighting, and other vital upgrades to improve reliability and safety.

Reconstructing the main runway will ensure safe, reliable, and efficient air travel for all Yukoners and visitors for years to come. The project will provide long-term support for the growing tourism and resource industries, building a runway that can better withstand changing weather conditions but will also help make the airport more resilient to the impacts of climate change.

I would like to take a moment to recognize all the air carriers, airport operations, pilots, medevac companies, and everyone involved in the aviation community for their efforts. You continue to go above and beyond to keep our territory connected and safe. Your efforts do not go unnoticed. Thank you for all that you do.

I am very much looking forward to sharing the progress of these exciting projects at the Whitehorse airport and our continued improvements to all airports and aerodromes across the territory.

**Mr. Hassard:** So, I know that many in the tourism sector will be pleased with the planned upgrades to the Erik Nielsen Whitehorse International Airport, but I have to remind the minister that there are many vital airports and aerodromes in the communities throughout the Yukon, and I look forward to any updates that the minister has on the upgrading of these airports.

Mr. Speaker, like many other construction projects this summer, work at the airport faced delays. Can the minister tell us how this summer's delays will affect the construction budget?

In the Liberals' five-year capital concept, up to \$35 million is budgeted for this fiscal year and up to \$25 million for 2023-24, but up to \$50 million is allocated for 2024-25 and the same amount for 2025-26. So, the minister just said that, in partnership with Ottawa, \$248 million will be allocated for airfield upgrades, so does the minister expect this project to take four years? Has he factored in construction delays and supply-chain shortages?

Speaking of long timelines, the government issued a press release in early 2019 saying that they would be modernizing the airport restaurant and seeking a food service provider. The release said that a new restaurant would be open by the fall of 2019. The former minister said at that time — and I will quote:

"Modern restaurant facilities at the Erik Nielsen airport will improve the experience for tourists and locals alike." So, anyone who has travelled through the airport now can see that this has not come to fruition. Can the minister update us on the status of the restaurant renovations, when the food service tender will go out, and when our airport visitors will again have the ability to access restaurant services?

I also have to ask if the government consulted with the aviation industry about the potential airfield upgrades and how they would be handled. As we remember from 2017, the Liberals ignored the wishes of the aviation industry, with the former minister at the time saying that — and I quote: "This bill will pass." That comment came even after the aviation industry and affected groups had spoken out. Now, the bill did pass a mere 10 days after the online consultation ended.

So, going back in the history books even further, in the very first five-year capital concept, there was a proposed air tanker base for the Southern Lakes fire centre in Whitehorse included in the budget. But, Mr. Speaker, six years later, we have yet to see work begin on such an air tanker base. So, can the minister tell us if that air tanker base project is still planned?

Dawson — a new terminal was slated to be completed last year. So, can the minister tell us when that project will take off?

More recently, the airport in Burwash closed down at times last year due to staffing shortages. So, can the minister tell us if those staffing issues have been resolved?

Finally, back to the *Public Airports Act*, at the time we had raised concerns about the act opening up the opportunity for the government to levy airport taxes and, according to the government's own flight plan 2030 document, it says — and I'll quote again: "Consider introducing a General Terminal Charge to support new terminal investments..."

So, can the minister tell us if an airport tax is in the works? I certainly look forward to the minister's answers to these questions.

**Ms. Tredger:** The Whitehorse airport is such a key hub for everything from tourists coming to see our beautiful territory to Yukoners travelling for medical care. It's great to see that the government is working to keep it compliant with modern standards so that the airport can continue to meet everyone's needs. However, the strange part is that I believe the apron was already redone in 2015. Can the minister tell us why that work only lasted seven years? How long is this upgrade expected to last? I hope that we are not planning to pay to upgrade it again in seven years, so what has been done differently this time to make sure that it lasts longer?

I would also like to discuss a piece of the upgrades that has a big impact on my riding, and that's Puckett's Gulch. I would really like to thank the department for the work that they put into the consultation around the Puckett's Gulch expansion. When the announcement was first made that there was work happening to that area, people were very concerned. The Black Street stairs and the airport trail are such important pieces of infrastructure for everyone from commuters to dogwalkers. With no available details attached to the announcement, people feared that they would lose this beloved path. So, I was very

happy to see the department engaged with trail users and the community to provide more details about the project. The information session and maps were very reassuring to most people. I would let the department know that the people who did attend the session shared their positive impressions widely throughout the downtown community, so it had an impact far beyond the people who attended. We hope to see continued cooperation and communications with the city as the process moves forward.

One aspect of the project that could benefit from that spirit of cooperation is a proposal from local resident Jim Gilpin. Mr. Gilpin proposed that the territory ought to make a land exchange with the City of Whitehorse. Since the Yukon government is requesting to rezone and purchase land from the City of Whitehorse as part of this project, it's a timely opportunity for YG to provide land back to the city. This exchange would allow for the safe reconstruction of the Airport Perimeter Trail, which was closed due to landslide risks this summer. I know that residents of Whitehorse Centre and beyond greatly value the Airport Perimeter Trail, and its closure has affected recreational opportunities for many.

I will finish off by saying a big thank you to all the people at Highways and Public Works for moving these projects forward.

**Hon. Mr. Clarke:** Thank you, Mr. Speaker, and thank you for the comments from the members opposite. We will endeavour to get the answers to the questions posed.

For the Member for Whitehorse Centre, certainly we are engaged in active conversations with the City of Whitehorse mayor and council. We will, in fact, be having in-person meetings with mayor and council with respect to ongoing opportunities for advancing active transportation in a lot of areas in Whitehorse, but including areas around Puckett's Gulch and the Black Street stairs.

These critical investments will improve the reliability of service and longevity of the infrastructure at the Erik Nielsen Whitehorse International Airport. We recognize that this construction may cause some temporary disruptions, and plans are in place to mitigate impacts during the project. While construction is taking place on the main runway, aircraft will be able to use the recently upgraded parallel runway. We are working closely with aviation stakeholders to keep them updated on timelines and potential impacts to help air carriers adjust their operations.

We will continue to have regular meetings with air carriers, the Yukon Aviation Advisory Group, the City of Whitehorse emergency services, and other key stakeholders to ensure that they remain informed. We also continue to keep the public well-informed of activities at the airport so they can plan accordingly.

In early 2021, the Government of Yukon involved Whitehorse residents in a public consultation regarding the extension of the parallel runway. This provided an opportunity for residents to learn about our plans for the airport and ask questions that they may have about the initiative. As well, this summer, as mentioned, we hosted a public information session

at the Yukon Transportation Museum to keep people informed on all upcoming construction work.

Our government is thrilled to be working with our partners to improve aviation infrastructure projects across the territory. In Mayo, we invested millions of dollars in upgrades and helped the once aerodrome receive airport certification from Transport Canada. We have invested millions of dollars at the Watson Lake Airport to resurface the runway and portions of the taxiway. We have made several upgrades at the Dawson City Airport, including paving the runway, building a second apron, constructing a new maintenance facility, and upgrading operational areas.

Mr. Speaker, these historic investments in the Yukon's aviation system are helping to support businesses, to keep our rural communities connected, and to grow our economy. By investing in our airports, we are moving the territory forward and addressing the infrastructure deficit left by the Yukon Party.

Over the coming years, I look forward to continuing to see Yukon airports expand, modernize, and grow to welcome more flights and more visitors and to ensure that critical services can continue to operate.

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

## QUESTION PERIOD

### Question re: Carbon tax exemptions for home heating fuel

**Mr. Istchenko:** As winter sets in, many Yukoners are beginning to worry about the cost of heating their own homes this winter. The Yukon fuel price survey from the Bureau of Statistics paints a pretty scary picture for Yukoners who use home heating fuel. From September last year to September this year, the price of furnace oil has spiked as much as 45 percent in most communities. A significant chunk of that increase is due to the carbon tax.

Will the Yukon government push the federal government to exempt home heating fuel from the carbon tax?

**Hon. Mr. Streicker:** Thanks to the opposition parties for supporting the changes to the carbon tax when that bill recently came through. I think that was unanimous here in the House.

Of course, all of the money that is collected by the carbon price is rebated to Yukoners, whether that is to our First Nation governments, municipalities, businesses, or individual Yukoners; it is all rebated. I know that when it comes to inflation, we recognize that there has been pressure lately on Yukoners, so we have been providing inflationary supports that include: \$150 to social assistance recipients; a one-time payment of \$150 to seniors income supplement recipients; a 10-percent additional payment to the pioneer utility recipients; a six-month extension of the \$500 per month to caregivers of children in and out of home care; \$100,000 to Food Network Yukon; and, of course, two times, the \$150 rebate on electrical bills.



We will work to continue to support Yukoners in the times of inflation. Again, thanks to the members of the Yukon Party for voting in support of the carbon price rebate.

**Mr. Istchenko:** I don't think I got an answer to my question, so let me go again here.

According to the Yukon Bureau of Statistics, the average price of residential furnace oil in September last year in Whitehorse was \$1.36 per litre. This September, it is up to \$1.95 per litre and even higher. According to the Premier's number, 13.5 cents of that increase is due to the carbon tax; that is before the increase scheduled for April.

In September, the Liberal government in Newfoundland wrote to the Prime Minister asking him to halt the planned increases to the carbon tax on home heating fuel.

Will this current Premier join the Liberal Premier of Newfoundland and request that the federal government halt the planned increases to the price of home heating oil?

**Hon. Mr. Silver:** I would say for the record that I really doubt that this particular home fuel rebate is going to pass the signal test that the federal government is putting forward, but time will tell on that. We saw that there was a debate in Parliament from a Conservative bill talking about exactly that, and I think it was struck down as well.

The member opposite keeps on saying that we are not answering his question, but the member opposite should listen to the answer. The Yukon's carbon rebate is revenue neutral. We are returning 100 percent of the federal carbon levy to four rebate groups, and actually, we are remaining committed to ensuring that, thankfully with the help from the Official Opposition in supporting carbon pricing. We continue to give more than what is paid out.

Hear that again: Basically, if you are in Yukon, you are getting more, on average, than was paid in — in each of these categorizations — so one of the lowest fuel prices in Canada, as far as taxes go — all of the money for carbon pricing being rebated back.

The members opposite did campaign in the last election on a carbon-pricing mechanism. I would love to know what it is because, at this point, it looks like they are dodging that responsibility of polluter pay.

**Mr. Istchenko:** It's about affordability for Yukoners, and it's not affordable right now.

Starting next year, the federal carbon tax that applies here in the Yukon will increase annually by \$15 per tonne. The plan is for the carbon tax to reach \$170 per tonne by 2030. When we ask about this, the Premier told the Legislature that this would mean that the carbon tax alone would reach over 45 cents per litre on furnace oil. That is before the GST.

Does the Premier really think that now is a good time to increase the cost of home heating fuel for Yukoners?

**Hon. Mr. Silver:** I think that what we will disagree with the opposition on is that we need to have a green future. We need to get off of our reliance on fossil fuels. The Yukon Party campaigned on a carbon tax. We still haven't seen what that looks like, and now, after giving support to the made-in-Yukon solutions to the carbon rebate mechanism that gives back all of the money that the member opposite speaks about — it gives it

all back to Yukoners. Again, we completely agree that there are issues happening right now internationally with inflation, but to say that these increases in the carbon pricing — without saying that it goes back to Yukoners — I think that it is disingenuous for the members opposite just to cherry-pick parts of the information and not give the full story.

As far as the budget concerns, every budget that we make is designed to make lives more affordable for Yukoners. We have talked about the rebates that we have done in the Legislative Assembly almost every day. We are talking about every single piece that we are doing to make lives more affordable.

The Yukon Party has to stand on a transition here. Are they going to support polluter pay, or are they going to continue to support all of the taxpayers paying for pollution? Which way is it? You can't have it both ways, Mr. Speaker.

### **Question re: Carbon tax exemptions for home heating fuel**

**Ms. McLeod:** When the federal government announced the imposition of the carbon tax, the Yukon Liberals decided that subjecting Yukon to the federal backstop was the best course of action, and this was in contrast to the Northwest Territories that took a different path. In the Northwest Territories, carbon tax included a 100-percent rebate for heating fuel that is applied at the point of sale. Will the Yukon government consider asking the federal government for a similar exemption to help Yukoners deal with the skyrocketing cost of home heating fuel?

**Hon. Mr. Silver:** Mr. Speaker, as I just responded, I can't see a fuel tax in these regions actually being kept, to tell you the honest truth. I think, as far as the fuel price signal goes, you could take a look at Nunavut first, then the Northwest Territories, then Yukon and talk about roads, accessibility, and alternatives for home fuel.

In all cases, including Newfoundland and Labrador, when you take a look at the review that the federal government did — unilaterally, I might add — to do a five-year review on the pan-Canadian framework on carbon pricing, this new price signal — I cannot see any of those rebates actually passing that. So, in Yukon, we made rebates that were based upon the price signal. We made rebates that were based on northern, remote, and unique circumstances, but also what we argued for here in the Yukon was to give those rebates to businesses, including placer miners and quartz miners.

Within that second group, it's all about not being able to affect your commodity price. We believed, in earnest, that we were going to be able keep all of our rebates. I can't see this home fuel one being kept for very much longer when it comes to the price signal that the federal government is talking about.

**Ms. McLeod:** Thank you, Mr. Speaker — and one can only try.

According to the Premier, the federal carbon tax currently adds 13.5 cents per litre to the price of home heating fuel in the Yukon. That will rise to over 45 cents with the planned increases to the carbon tax over the coming years, but that's not

the only thing driving the cost up; the federal GST is applied on top of the carbon tax, which it makes it a tax upon a tax.

Will the Liberal government here in Yukon push Ottawa to remove the GST from home heating fuel to help Yukoners with the rising cost of heating their homes?

**Hon. Mr. Silver:** This isn't a new concept and, across the Council of the Federation, this has been discussed with the federal government. If the member opposite has a concern with that, I urge her to reach out to the federal government, which is responsible for the federal GST.

Mr. Speaker, we need to take bold action in meeting Yukon's climate change goals and protecting Yukoners from the impact of climate change. We have also discussed that any increase of these costs at the pump — all Yukoners are getting back that money — more than what they put in, on average. We do need to take action. We need to work toward a greener future. This isn't about whether or not carbon pricing applies in the Yukon, but it seems that the members opposite in the Yukon Party are starting to take back their commitments to actually put a price on carbon, which we were thrilled to see during the last election. The Leader of the Yukon Party spoke in leaders' debates about putting a price on carbon; now we are seeing them kind of taking back that story.

I believe that it is extremely important that polluter pay — as opposed to the taxpaying base of Canadians paying for climate change — I guess that the members opposite are assuming something different.

When it comes to the price and attaching carbon pricing onto inflation, we spoke about us having one of, if not the, lowest regular fuel price in all of Canada for tax, other than Alberta, and also all of the money for carbon pricing going back into the pockets of not only individuals, but also businesses, First Nation governments, and municipalities. Clearly, the members opposite are now having second thoughts about carbon pricing.

**Ms. McLeod:** Now, Yukoners are already facing record-high home heating prices. In my community of Watson Lake, we have seen the price of residential furnace oil increase from \$1.45 a litre last September to \$2.12 a litre this September, and that is over a 45-percent increase. According to the Premier, one-fifth of that increase is due to the carbon tax, and that is before GST, and it is before the tripling of the carbon tax that is planned.

Will the Yukon government help Yukoners by pushing the federal government to exempt home heating fuel from the carbon tax and from the GST?

**Hon. Mr. Silver:** Obviously, the members opposite can't pivot. We have already spoke a few different times that — yes, there will be an increase because of the carbon pricing, but we have also said that all of that money is going back to Yukoners, into their pockets. So, again, the members opposite aren't listening to the answers; they are asking the same question over and over again.

Mr. Speaker, all Yukon households are seeing their budgets stretched by elevated levels of inflation, but this burden is even heavier on lower income households, for which most of their expenses go to the necessities — as the members opposite

mentioned, food, energy, and housing — all of which have seen some of the highest price increases at different points during 2022. This government is extremely conscious of the effects of rising inflation on our families and has taken action to protect their finances.

It doesn't help the conversation, though, when the Yukon Party forgets to tell their constituents that every single dime given at the pump by Yukoners on carbon pricing goes back to them when it comes to the carbon-pricing mechanisms and the made-in-Yukon rebates that the Yukon Party helped to support. So, we on one hand thank them for their support, recognizing that it's important to rebate this money and it's also important that Yukon decides how that money gets rebated instead of Ottawa — but then to just come out here to say that this price is not being given back to those individuals, those businesses, and First Nation governments — it's a bit — well, I won't even say it because it will probably be called out of order.

### Question re: Health care services

**Ms. Blake:** The Yukon's public health care system is crumbling, and it's no accident. Everywhere we look, this government is chipping away at critical public health services and contracting them out to private companies. For years, Yukoners have relied on Yukon nurses for wraparound care. Whether you lived in the communities or here in Whitehorse, you could trust that you would get the best care. But now, under this government, nursing shortages are at a crisis point. Nurses are being hired from private agencies and flown into communities that they have no connection with. This government is paying private agencies more than they are willing to pay unionized Yukon nurses.

Why is this government relying on private agencies for public health care?

**Hon. Ms. McPhee:** I'm sorry to say that I don't agree with much of the detail presented by the member opposite with respect to the nursing situation here in the territory, and I think it's incredibly important that we remember that there are shortages of health care professionals across the world. The Government of Yukon is taking steps to recruit and retain nursing staff and to ensure that Yukoners have access to quality essential health care services across the territory. I think Yukoners deserve to know that this recruitment and retention of nursing staff — full-time nursing staff here in the territory — is our priority.

In the meantime, it is necessary to provide services to Yukoners and, as such, some agency nurses are being used to fill gaps. The community nursing staff continue to work tirelessly to provide Yukoners with health care services and to play the integral role that they do — and our response, not only to COVID-19, not only to the substance use health emergency, but to everyday care of Yukoners across this territory.

**Ms. Blake:** It's not just nursing. This government is also privatizing immunization for Yukoners. For years, Yukoners have visited the Whitehorse Health Centre for vaccines before they went travelling. Those vaccines that prevent illnesses like typhoid, yellow fever, and hepatitis C used to be free, but now

Yukoners have to visit a private clinic to get their shots, and they are expected to pay out of their own pockets for them.

Does the minister plan to move these services back to the health centre or make Yukoners pay for critical vaccines from here on out?

**Hon. Ms. McPhee:** I am always pleased to rise to speak about the importance of health care here in the territory and the services that are being provided for Yukoners. This year, we are investing \$17.74 million in the Community Nursing branch of the Department of Health and Social Services. The Community Nursing branch has 52 FTEs for registered nurses. The recruitment and retention efforts proceed with respect to having those nurses come to the territory.

With respect of the accusation, I will call it, of privatizing medical care or some versions of medical care, that is simply not the case. Our individuals who are seeking vaccines for travel are encouraged to have those through pharmacies and private services. In that way, having that change is an opportunity for Yukon health care services and community nursing and the health centre to concentrate on additional services for Yukoners, which they provide across the territory but also here in Whitehorse.

**Ms. Blake:** It has been more than three years since *Putting People First* was accepted in full by this government, but in those three years, our health care system has gotten worse. This government is picking low-hanging fruit instead of doing the real work to make health care better for all Yukoners. So many of the recommendations haven't been done. Prescription medications are still costing Yukoners hundreds of dollars a year. Eyecare and dental care are still barely available in the communities. The list goes on.

Why is this government dragging its feet on the *Putting People First* recommendations?

**Hon. Ms. McPhee:** I am puzzled by this line of questioning, because it's — sorry — not true. The Government of Yukon is committed to creating a person-centred health care system and to creating an integrated health authority to improve coordinated care between hospitals, long-term care, and social services — the recommendations, in general, from *Putting People First*.

One of the key recommendations is to create an arm's-length government agency for the delivery of select health and social services — health and wellness Yukon. That work is underway. The movement with respect to implementing the recommendations of *Putting People First* continues. Many of them have already been implemented. Of the 76 *Putting People First* recommendations, 13 actions are complete; 32 actions are in progress; 27 actions are in the initial planning phases and have yet to get started; four recommendations are remaining to be evaluated. Remembering that many of the 13 actions that have already been taken are directly of benefit Yukoners immediately, including additions to medical travel increasing — actually doubling the medical travel subsidy.

### Question re: Truth and Reconciliation Commission calls to action

**Ms. White:** In 2019, the Canadian Museum for Human Rights stated that they recognized — and I quote: "... that the colonial experience in Canada, from first contact to the present, constitutes genocide against Indigenous peoples. The ... residential school system was one key component of this genocide."

Last week, the House of Commons unanimously passed a motion recognizing that the residential schools meet the United Nations' definition of "genocide". In response, some indigenous activists have said that it wasn't just one genocide because not all indigenous people are the same; it was many genocides conducted to erase every indigenous nation.

Will this government formally recognize that the colonial experience in Canada and in the Yukon constituted genocide against indigenous peoples?

**Hon. Mr. Silver:** I don't disagree with the member opposite at all. I completely believe that this is genocide.

**Ms. White:** I'm so glad to hear that the government is ready to start taking on the responsibility, as the damage was done by our colonial systems of the past. Recognizing actions of the past is a small but important step toward reconciliation. However, the work can't stop there, and it certainly shouldn't stop in this House. There is so much more that can be done, such as implementing the Truth and Reconciliation Commission's call or funding programming across the Yukon to ensure that truth and reconciliation day is a day of learning and action.

Will this government commit to funding programming and community initiatives so that Yukoners can commemorate the National Day for Truth and Reconciliation in a meaningful way?

**Hon. Mr. Silver:** I would actually like to thank the Minister of Education for all of the work that she has done on making preparations and getting the government ready for truth and reconciliation day. I would also like to thank some of the people who work inside of Aboriginal Relations. I did share with the member opposite, when she was looking at passing one of the two bills and we had conversations about that, some of the concerns that governments have when it comes to the words "social genocide" when speaking to the department — I think it was a milestone for everybody here on this side of the Legislative Assembly when discussing this conversation. When you talk about the burying of children in the ground, the word "social" added to "genocide" — that's a white person's word and that doesn't make any sense at all for the families who have been traumatized due to residential school policies in this country.

So, what we will do on this side of the House is we'll continue to work with the governments — plural — in Yukon that are doing extraordinary work preparing, not only for the recognition of civil days off, federally — or even the work that has to be done when it comes to the rights of indigenous people or the truth and reconciliation calls to action.

**Question re: Affordable housing and land development**

**Ms. Clarke:** Salamat, Mr. Speaker.

The average cost of a single detached home has risen from \$420,000 at the end of 2016 to \$701,000 at the end of September. That is a \$281,000 increase to the average cost of a home in Whitehorse since this government took power. Many Yukoners are already on the brink financially, and home ownership is now completely unattainable. A major contributor to this crisis is the fact that the Liberals have been unable to keep up with the demand for land. This summer, a government-caused two-month delay to access Whistle Bend phase 6 lots limited the ability of the private sector to get housing to market.

Will the government agree to identify new blocks of land for release to private developers to expedite housing development and keep up with demand?

**Hon. Mr. Mostyn:** Mr. Speaker, our Liberal government has built strong, collaborative relationships with municipalities, private landowners, developers, and First Nation partners across the territory to speed up the development of lots and homes in the Yukon.

Our government is working hard to increase the supply of lots in Yukon communities for housing as well as business and economic development opportunities. Fixing the territory's housing shortage is not something that one government organization can accomplish alone. We need to work in partnership to increase housing options. Our government is doing that every single day, Mr. Speaker. We know how hard it is for people to find houses. This is not a national problem; this is an international problem. We are seeing it across North America. We are taking this and working on our partnerships to make sure that Yukoners have more homes.

**Ms. Clarke:** It is clear that what the government is doing is simply not working. The average cost of a home in Whitehorse increased by more than 67 percent. In the spring, the minister said that Whistle Bend phase 8 lots would be awarded shortly after the completion of the Sitting in time for the summer construction season. In addition, the government indicated that the contract for phase 9 lots would be tendered this fall.

Can the minister confirm that phase 8 lots were completed this summer and when phase 9 will be tendered?

**Hon. Mr. Silver:** Mr. Speaker, just to give some context for the stats that the member opposite is speaking of, this comes from a real estate report, Q3 for 2022. As far as 60 percent — over what time? The price for a single detached in the third quarter of 2022 — Whitehorse has seen increases every quarter since the fourth quarter of 2016, with prices up almost 67 percent over this time. This is for some context, as opposed to the members opposite making it seem like it's just over a year.

Prices are remaining elevated across all housing types, as cited in this report. The housing market in Yukon has stayed hot in the face of higher interest rates, which have cooled in most other parts of Canada, reflecting Canada's strong economic fundamentals.

The government is very committed to tackling affordability and continues its effort to increase the supply of

housing and to invest across all parts of the housing continuum, including increased supportive housing, subsidies for community housing, and rental subsidy programs. We are seeing these market situations right across the country. Here in Yukon, due to the Yukon Liberal government's support for building and making sure that we have housing across the spectrum, we are doing what we can to make sure that we get Yukoners through these trying times.

**Ms. Clarke:** The government can list off all the stats they want. The two statistics that matter are that, in 2016, the average cost of a house was \$420,000, and by the end of 2021, that had increased to \$701,000. The fact of the matter is that the Liberals have been unable to address the housing crisis. We need more land developed and we need it developed faster. We know that a stumbling block is permitting and zoning and that municipalities are strapped for resources.

So, will the government budget to help Yukon municipalities with emergency funding to help expedite the release of land and the development of housing?

**Hon. Mr. Mostyn:** There is a lot to unpack in that question, but I am going to stick to the fundamentals here. As this Liberal government moves the territory forward, we are making historic investments in lot development and housing — \$30 million budgeted for land development in the Yukon. We are working to develop 1,000 lots in the coming years and we are on track to do that, Mr. Speaker. I want to say that, in the 2022 season, we have been working on the construction of lots in phases 6, 7, and 8 in Whistle Bend and, when complete, these three phases will provide another 200 housing lots for Yukoners.

The Yukon Party's record on housing is embarrassing. The Yukon Party sat on millions of dollars and refused to invest in affordable housing. We are still paying a price for the Yukon Party's inaction on housing. We have tripled investment in lot development compared to the Yukon Party, and we are going to continue to do that, Mr. Speaker, because we are standing up for Yukoners and moving the territory forward.

**Question re: School staff shortage**

**Ms. White:** This June, Yukon schools warned this government that they would be facing yet another year of staffing shortages. The government had all summer to work on solutions, but they didn't, and because of their inaction, the school year started with over 30 vacant positions — more than half of which were in rural Yukon. This government could have spent the summer actively recruiting, like the Northwest Territories did. They could have sent superintendents down to universities and job fairs to make sure that there were enough educators for the new school year, but, again, they didn't.

In fact, it has been 10 years since the Yukon has sent anyone down south to actively recruit. No wonder Yukon schools are so short-staffed. Why didn't this government actively recruit educators for the new school year?

**Hon. Ms. McLean:** Certainly, quality educators are a key component of our education system, and effective teachers are one of the most important factors in a student's success at

school, and we work to attract and retain the best educators that we can.

I want to first start — since this is the first time I'm speaking about the teachers and the incredible staff that we have — I want to thank the administrators, educators, and staff who are working hard for the benefit of our students and all Yukoners. Their efforts have not gone unnoticed and we are so appreciative of them.

Some of the recruitment efforts — I have to take issue with some of the comments that were made today around this. Yukon is absolutely one of the most incredible places, I think, in Canada. I will get into some of the numbers as we proceed with the question today, but the ongoing national labour shortages, housing shortages, and the pandemic have continued to have impacts on our overall recruitment efforts. Despite that, we continue to work to find staff with the best combination of qualifications, experience, and suitability.

**Ms. White:** What we notice is that there is no active recruitment, no going down to universities, and no finding those teachers. Because of this government's inaction, educators are working overtime, teachers are filling in as acting principals, EAs are covering for multiple teachers, and teachers on call are filling in for months at a time. This government is working educators into the ground and they aren't getting paid any better for it.

The Yukon used to attract folks because of a higher pay and quality of life, but neither of those are keeping up anymore. Both Nunavut and the Northwest Territories increased wages to stay competitive, but this government has so far refused. When will the minister offer competitive wages to educators so that the Yukon is once again an attractive place to work?

**Hon. Ms. McLean:** Mr. Speaker, again, Yukon is, I think, probably one of the best places in Canada to live and work. It actually offers one of the highest wages in Canada as well for teachers.

Since September 1, we have successfully filled 32 teaching positions across the Yukon. Active recruitment as of October 26 includes these numbers: We are still recruiting for 15 teachers — three in Whitehorse, 12 rural, and six Yukon First Nation language teachers; and we have 11 postings for EAs, most of which are in Whitehorse. Currently, we have one principal and one vice-principal posting; however, there are permanent or temporary principals in all of our schools.

Again, recruitment started earlier this year. We have worked really closely with all of our partners to ensure that we are making best efforts. I was told recently by our recruitment staff — again, our HR staff are doing a very good job, and I want to hold my hands up to them, because this is a challenge across the country. I will continue to build on some of the new recruitment methods that we are undertaking at the Department of Education.

**Ms. White:** The minister must have misheard me, because my criticisms are never about staff, but they are about politicians. As much as the Liberals would like Yukoners to believe that they did everything they could to fill these vacancies, that is simply not true.

The Northwest Territories saw the looming shortage and they acted. They went to universities and talked to new grads. They offered fair wages and great benefits. One school district even flew prospective candidates up to their community so that they were able to understand what teaching in a rural community would look like, while in the Yukon, the school year started with over 30 vacant positions. In the Northwest Territories, they started their first day of school fully staffed. The Yukon's teacher shortage is not because we are in the north or because there is a lack of qualified workers available. We are in a shortage because of this government's inaction and disrespect for Yukon educators.

When will the minister learn from the NWT's recruitment strategy?

**Hon. Ms. McLean:** Again, there is a national labour shortage. There are a number of factors that are factoring into the recruitment of teachers. I started, in the last question, just to talk about some of the innovative ways that we are working to recruit educators into the territory. We are working on a number of creative solutions in terms of the Yukon story and really helping people to see where they would be coming to and how fantastic our territory is. We've been participating in virtual forums across the country, and we have gained a really good impact from that.

This year, we posted positions earlier to be more competitive with other jurisdictions. We have participated in a recent online career fair and placed advertisements in various social media and through Canadian universities. These steps have supported our recruitment efforts. As I have stated, we have successfully filled 32 teaching positions across the Yukon. I think one of the great parts of this story is that all our schools opened on time, as intended, and children were able to attend school. That's not the same for all jurisdictions.

**Speaker:** The time for Question Period has now elapsed.

## Notice to call motion respecting committee report

**Hon. Mr. Streicker:** I give notice, pursuant to Standing Order 13(3), that the motion for concurrence in the fourth report of the Standing Committee on Rules, Elections and Privileges, presented to the House on October 17, 2022, shall be called as government designated business.

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

## ORDERS OF THE DAY

### GOVERNMENT MOTIONS

#### Motion No. 494

**Clerk:** Motion No. 494, standing in the name of the Hon. Mr. Streicker.

**Speaker:** It has been moved by the Government House Leader:

THAT Standing Order 76 of the Standing Orders of the Yukon Legislative Assembly be amended for the duration of the 2022 Fall Sitting by deleting all instances of the words

“Government Bill” and substituting in their place the words “appropriation bill”.

**Hon. Mr. Streicker:** I will speak briefly to this motion. The Standing Committee on Rules, Elections and Privileges has been meeting. You will recall that, in the spring, we passed a very similar motion to this. It’s all about trying to deal with time limitations on votes of bills. This past spring, we made the same decision to maintain the time limitation for appropriation bills — for budget bills — but not the other government bills. Effectively, what happened then, as has happened now, is that we, on the government side, moved the business forward on those non-budget bills in order to ensure that they get full and fair debate here in the House and that we get through them to a vote. This is a similar motion, and what we are looking to do is to continue that dialogue through the standing committee and see if we can come up with a resolution about time limitations for our Legislative Assembly.

I thank all members of the standing committee for their work, and I look forward to debate on the motion today.

**Mr. Cathers:** We, of course, in the Official Opposition do support this. As one of the members of SCREP, I would note that we brought forward this issue previously during the spring, as well as now. It is important to note that, when Standing Order 76, often called the “guillotine clause”, was brought into effect, the primary argument behind it was so that the government would not be without spending authority due to a delay in passing a budget bill.

It was, at the time, expanded to other pieces of government legislation, and while, of course, every government has made use of that opportunity, it does raise a question about the appropriateness of that measure for non-time-sensitive matters. Of course, the budget does have time sensitivity; non-appropriation bills do not. While the budget does need to be passed so there is spending authority, delays in passing legislation — if indeed, that is the will of the Legislative Assembly, especially in a House such as we have now, where there is a minority government — it, in fact, can be argued that this is not a bad thing either and that it shouldn’t just be in the hands of government to determine whether debate should be shut down on legislation.

We have seen in the past, with the changes to the Yukon workers’ compensation, health and safety act — but I think that it is fair to say that, had there been an opportunity to make changes, instead of debate being ended by the government choosing not to call for debate and then calling on the last day for a vote, then very likely we, as well as the Third Party, would have probably suggested some changes to that, based on feedback from stakeholders.

I also want to just very briefly speak about one of the bills that would be affected by this motion and note that, on Thursday, in speaking to Bill No. 16, I inadvertently made an incorrect statement about the Member for Riverdale North. I believe that being publicly accountable includes acknowledging if a mistake is made — and I would just note that the member formerly worked for a society commonly

referred to as “Legal Aid” or “Yukon Legal Aid” and rarely referred to by the official name of the society. During debate on Thursday, I forgot the proper name of the society and incorrectly made reference to another society with a somewhat similar name. So, for the record, I would note that the name of the society that the member worked for is indeed “Yukon Legal Services Society”, and I would retract that specific part of my comments from Thursday.

That concludes my remarks, and I would commend this motion to the Assembly.

**Ms. White:** Today, I am speaking to Motion No. 494, otherwise known as the “guillotine clause”. There are a couple of perspectives. I have been in this Assembly for a very long time under two majority governments, and I have seen what happens with legislation, including the *Oil and Gas Act*, where it got second reading and then it went to the guillotine or other examples.

I think that there is going to need to be, also, a bigger, broader conversation, because we have seen members of this House — maybe current members and previous members in the past — speak at length many times. I mean, I definitely asked 30-second questions and got 20-minute responses, and that definitely eats up. I think that there is a real opportunity to look at the Standing Orders and, for example, have witnesses appear outside of sitting hours, bills go to committees, and things to make our work here more effective, but I do want to say that I am in support and a proponent of removing the guillotine clause, but I also believe that means that each of us has a responsibility in how we behave to make sure that this House still works.

So, we, of course, as the NDP, will be supporting this motion.

**Hon. Mr. Mostyn:** This afternoon, we will discuss Motion No. 494 — we’re discussing it right now — to decide whether to keep experimenting with time allocation in the House, as we did last spring.

Before I begin, I want to thank the Clerk’s office for the support it has provided the Standing Committee on Rules, Elections and Privileges over the last couple of years. The committee establishes the rules around which the people’s democracy operates. This is admittedly something most folks will take little interest in, but it is important.

Through the committee work, we upgrade our tools, computers, video conferencing, make it more representative to different cultures and genders, and generally make it more accessible to the public we represent. Working on the rules of the House — be it non-gender forms of address, how long we ring the bells, or time management in this Chamber — carries the danger of unintended consequences. The team in the Clerk’s office has done some great work providing background research to guide our discussions. So, thank you.

This year, the Standing Committee on Rules, Elections and Privileges met five times. That is in addition to the four times it met in 2021. That’s nine times in two years. Before that, during our first mandate, it met seven times. So, we’re now up

to 16 meetings in six years. Before that, during the Yukon Party government, this important committee met just six times in 14 years. So, the difference in the operation of government is stark in terms of the numbers, and we're working to improve governance in the territory on behalf of the people of the territory.

This afternoon, we're looking to continue the experimentation on clause 76 of the Standing Orders. It was introduced in 2001 after work by all parties. It was designed to end ridiculously long — all night, sometimes — debate in this House. It made it hard on the staff and certainly on some of the parents who were working and doing this job on behalf of Yukoners.

Now, in those early days, years ago, the opposition controlled the length of debate. If they wanted to continue debate, they could. The government was at the opposition's mercy. Sometimes, debate would go on ad nauseum to try to make sure that the House continued sitting. So, all parties agreed to limit the annual sitting days to 60, and at the end of that time, all bills in process but not fully debated could be voted on and passed.

That approach was nicknamed "the guillotine", and it stuck. While it brought certainty around the length of the Sitting, the approach had some consequences, which have been chronicled in Hansard by the Leader of the Third Party and our Premier. Suffice to say, it allowed the government to avoid sticky subjects by limiting debate on bills.

So, last Sitting, to avoid that, we all agreed to an experiment, which, if approved today, will continue this session. Money bills will be guillotined, but non-money bills will not. They have to be fully debated and pass third reading. This, too, is having an effect on the business of the House. If opposition parties decide to dive into a non-money bill, we use precious time that could be used debating the budget. Again, this is a choice that is made by members of this House.

This does cut to the heart of the matter, however. It is about how we decide to use our time — the 60 days we have decided to hold this session on behalf of the people of the territory.

It is, at its heart, a time management issue. How long do we need to debate the amendment to the *Legal Profession Act*, the animal protection act, the budget? If we were all to sit down and decide, through time management at the House Leaders' meeting at the beginning of the session, we might all be better off than using a blunt instrument like the guillotine. We could engage in proper debate rather than filibustering or reading phone books into the record, which has happened in this House to waste time in the past.

Every other legislature in the country manages their time upfront, working out a schedule for debate. This has been discussed in the Yukon as recently as last year. The Clerk's office has done some good work on this time management project. For that, I am grateful, but so far, our parties have not yet been able to navigate those waters. Until we do, we will work within the moment in 2001, when we agreed to solve the problem of endless debate with a blunt instrument, and tweak the use of that instrument — the guillotine — a touch this afternoon.

That is the motion before us, which comes from our strong record of working with the Standing Committee on Rules, Elections and Privileges to update the procedures of this Legislative Assembly to reflect modern times.

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

Does any other member wish to be heard?

Are you prepared for the question?

**Some Hon. Members:** Division.

## Division

**Speaker:** Division has been called.

## Bells

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

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

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

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

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

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

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

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

**Mr. Dixon:** Agree.

**Mr. Kent:** Agree.

**Ms. Clarke:** Agree.

**Mr. Cathers:** Agree.

**Ms. McLeod:** Agree.

**Ms. Van Bibber:** Agree.

**Mr. Hassard:** Agree.

**Mr. Istchenko:** Agree.

**Ms. White:** Agree.

**Ms. Blake:** Agree.

**Ms. Tredger:** Agree.

**Clerk:** Mr. Speaker, the results are 18 yeas, nil nays.

**Speaker:** The yeas have it.

I declare the motion carried.

*Motion No. 494 agreed to*

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

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

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

The matter before the Committee is continued 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:** Committee of the Whole will now come to order.

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

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

Is there any further general debate?

**Ms. Tredger:** Thank you to the officials who are back again to answer our questions. It is much appreciated.

When I left off, I was asking about animals that will be restricted under the new legislation. The minister shared that this legislation doesn't allow for breed-specific bans. I know that the list of animals that there will be an outright ban on will be defined in regulation, and that makes sense to me; I don't think anyone should have lions in the Yukon. Does the minister anticipate that there will be some animals that are currently in the Yukon that will be on the prohibited list? How will that be handled?

**Hon. Mr. Clarke:** Madam Chair, I was just conferring with my officials. To welcome them to the Assembly again, I have Mary Vanderkop to my left, who is the chief veterinary officer, and Kirk Price, the director of the Agriculture branch, to my right.

To the best of our anticipation in the application of this new legislation, the answer is no; we do not anticipate that animals will be specifically banned. My information is that this would involve very exotic animals.

So, is it possible? I think that the answer is yes; it is possible, but we do not anticipate animals being banned.

**Ms. Tredger:** I just want to make sure that I understood that correctly. There are no animals that are currently anticipated to have an outright ban — it will all be under limited conditions or allowed. Is that correct?

**Hon. Mr. Clarke:** So, the position is that the department will consult on the final lists and encourage owners to come forward if they have a species that they have concerns might be prohibited, but my information, so far, is that it is not anticipated that species that are known to exist in the Yukon currently will be prohibited.

**Ms. Tredger:** So, just to clarify — there will be species that are prohibited, but it is not known that any animals of those species are living in the Yukon right now. Is that correct?

**Hon. Mr. Clarke:** Yes.

**Ms. Tredger:** Thank you for that.

I am going to now switch topics completely and talk a little bit about warrantless entry and some of the powers that are under this act. So, there are two sections in my reading that this issue applies to. One is section 14, which is "Entry without a warrant", and the other is section 17, which says that — I am paraphrasing — if an animal protection control officer already

has a right to be some place, they can, without a warrant, seize things. I am wondering if the minister could clarify section 17 a little bit.

I also wonder about the history of this provision. Could the minister share whether it already existed in the previous act or whether it is new in this act and how it compares to other jurisdictions in Canada?

**Hon. Mr. Clarke:** I will try to address the questions asked. I would anticipate that the member opposite will follow up if the member opposite hasn't received the complete answer.

Under section 14, the decision to allow RCMP to enter without a warrant would be primarily due to safety concerns. RCMP have the appropriate training to enter situations, without a warrant, that may be of higher risk.

The animal protection and control officer would typically attend nearby to provide support and assistance to the RCMP officer with respect to animal handling, assessment, and care. This section is consistent with the existing *Animal Protection Act*.

The provision under the *Animal Protection and Control Act* to allow for warrantless entry in exigent circumstances is consistent with section 4.2 of Yukon's current *Animal Protection Act*. This is not a new provision.

During the second reading, there was reference to section 17 of the act where an animal protection and control officer who was lawfully in a place may seize without a warrant. That is different from "warrantless". This is the power of an officer but is only after 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 an order.

So, by way of elaboration, this was brought up by the Member for Lake Laberge in his second reading speech. The Member for Lake Laberge indicated at the time, a number of days ago, that warrantless searches might be unconstitutional and argued that even the new *Child and Family Services Act* does not allow for warrantless searches. Just to be clear this afternoon, this is not correct. The new *Child and Family Services Act* does allow for warrantless searches if the life, safety, or health of a child is in immediate danger.

In debate, as well, at second reading, the Member for Lake Laberge was speaking about the *Animal Health Act* and the warrants therein. But, of course, what we should be discussing is the *Animal Protection Act*, which is being replaced by the proposed legislation. So, the existing act also allows for warrantless entry. Sections 4.2 and 4.3 of the *Animal Protection Act* describe warrantless search and seizures. So, it was a bit of a narrative during the second reading debate from the Member for Lake Laberge certainly inferring that warrantless searches were new powers and that they didn't previously exist, but that's not true. They have existed since 2008.

The Member for Lake Laberge, who, I believe, was the Minister of Energy, Mines and Resources at the time, on November 3, 2008 — for the record, I am referring to Hansard, page 3186 and 3187 — advised that it was his pleasure to rise today — which was November 3, 2008 — in support of this legislation, *Act to Amend the Animal Protection Act*.



Some of the preliminary comments were very similar to comments made in the Assembly over the course of the last few days because these are, in fact, important.

The Member for Lake Laberge, as minister as he then was, said: "I think it's important to note that in terms of importance and concern that it is animal owners who are the most offended and concerned by mistreatment of animals and by those who do not care for their animals appropriately. It is animal owners who are most shocked and appalled by those who do not take proper care of the animals and do not recognize the importance of the trust that is placed upon them. It is much the same when it comes to children." Then there is some analogy to children.

Further, the Member for Lake Laberge, as he was then and currently still is, said: "It is important that we move forward in modernizing this legislation. There needs to be effective legislation and tools to deal with people who abuse animals. It also needs to be recognized that the overwhelming majority of animal owners take care of those animals in a responsible fashion. It's also necessary to have — as this legislation does — steps to be taken short of actually impounding an animal that may be necessary for someone who may have good intentions toward their animal but may simply have a poor understanding of how to take care of them. There are steps that can be taken by an animal protection officer to tell them what needs to be done, and they can issue an order to be followed in order to care for the animal properly, including such things as food, water and veterinarian treatment, if necessary."

This is all entirely consistent with the overarching spirit and intent of the legislation that is being debated today. But what is most interesting about the observations that were made by the Member for Lake Laberge on November 3, 2008 is as follows, with respect to warrantless searches, which the Member for Lake Laberge must have some faint recollection of — and I quote: "When dealing with legislation, we must ensure that it's appropriate legislation, that we put in place appropriate tools, and that the legislation is balanced, and that, of course, in this particular piece of legislation, means ensuring that there are effective tools to enable those who need to prosecute actions under this, to enable an animal protection officer to take appropriate steps in intervention, but also ensuring that those powers do not go too far without checks and balances. That same principle is recognized in many other areas of Canadian law, both federal and territorial or provincial — the need for balance. That includes such things as the ability for a judge to issue a warrant, but that there is not the ability for enforcement officers to enter somebody's premises without the appropriate steps to be taken to gain that permission from a judge, recognizing the importance of there being balance in the rights of the individual to their privacy and the need to enable action to be taken when indeed a problem is occurring. That, of course, in this legislation also includes the strongest powers that are usually included for RCMP officers, which gives them the ability under exigent circumstances to enter property without a warrant. That is not extended to other officers. That is something that is very clearly defined in case law in many other areas — particularly the Criminal Code areas — that require there be a very high standard for them to take that step, or else

the officer faces the possible disciplinary action, et cetera, for not exercising their responsibilities appropriately.

"Just in recapping, Mr. Speaker, I think it's important we recognize the need for balance and the need for powers to be increased under this legislation as they are; for fines to be increased from what they have been, because in many areas, members will recognize that they have been very low, but there is a need always for balance and for appropriate consideration."

This must be a trip down memory lane for the Member for Lake Laberge, because many of the things that I have spoken about in the last three days include increasing fines that are very low, the ability to have appropriate enforcement where necessary, and, Madam Chair, when there are exigent circumstances — I think that reasonably minded Yukoners can consider what that situation would be. I have also said in the last few days that sometimes there will not be animal protection control officers in the individual communities when they might be needed. Yukoners who are listening or reading Hansard afterwards can envisage that there could be an animal that's in significant distress — a building could be on fire or a building could be in the process of being significantly damaged — where the definition of "exigent circumstances" has been pretty clearly met and would very likely meet the appropriate Charter scrutiny of an unlawful search — that it was justified in all the circumstances. Although, on its face, it may contravene section 8 of the *Canadian Charter of Rights and Freedoms* — saying that everyone has the right to be secure against unreasonable search and seizure — but, in the totality of the facts, under a section 1 Charter analysis — which reads that the *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society — there would be a Charter analysis.

The Member for Lake Laberge also well knows that — I can say that, to the best of our knowledge, warrantless entry — pursuant to the currently prevailing act, section 4.2 of the current *Animal Protection Act* — has not been exercised. I would like to re-enforce that, under the new act, it would only be exercised in extreme circumstances and actionable at arm's length from Government of Yukon employees and only by the Royal Canadian Mounted Police.

This action is comparable to other jurisdictions across Canada, such as under 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.

Madam Chair, 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 conditions and obtaining a warrant would not be practical.

What I can agree on with the Member for Lake Laberge is that the warrantless search ought to only be used in the most exigent of circumstances — in emergency circumstances — but it really does candidly appear that the Member for Lake Laberge finds himself in a position where he has to be agreeing with his former self or his former parliamentarian self — unless he has a complete change of heart and he is now of the view — from when he was the lawmaker and he was the minister in a majority government — that he made most of the points that are being made today with respect to the provision of the *Animal Protection and Control Act* only being used in the most exigent or emergency circumstances. I am saying exactly the same thing 14 years later.

The former minister, the Member for Lake Laberge, was in that majority government. I think there was a bit of an interim period where he may not have been part of the majority government, but in any event, we have from 2008 until 2016 when the *Animal Protection Act* and the powers that were granted therein — section 4.2 and section 4.3 providing for warrantless searches in exigent circumstances — were the law of the land. So, that's eight years, and now another six years have passed.

So, in fairness, Madam Chair, if the Member for Lake Laberge had some — how will I phrase this so as to not be unparliamentary? — epiphany as to the obvious fact that section 4.2 of the *Animal Protection Act* was running afoul of relevant Charter litigation and was potentially not constitutional, the member had every opportunity for eight years to bring that act forward to remedy it to address — however he then thought about the issue — that he had a sober second thought or he had personally reviewed this and he brought that matter to his Cabinet colleagues at that time and said: I regret — or I really wish that we as a Cabinet had not passed that portion of the *Animal Protection Act* in 2008; it has placed law-abiding Yukoners in a situation where they will potentially be facing overreach of the state, and in consequence of that, I cannot, in good conscience —

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

### Point of order

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

**Mr. Cathers:** Mr. Speaker, we have heard a lot of interpretive history from the minister, talking about 14 years ago in speculation of what my views were and might have been. I would urge you to remind him that we're talking about legislation that he tabled — Bill No. 20 — and ask that he actually say something that's relevant to the debate. He will hear from me later.

**Chair:** The Member for Riverdale North, on the point of order.

**Hon. Mr. Clarke:** On the point of order, the first point is that, as the most senior member of the House is well aware, the Legislative Assembly is not a fact-finding exercise; it's a battle of narratives. So, that would be my first point — that this is clearly a dispute among members.

My second point is that the Member for Lake Laberge — and I have the transcript from his second reading speech, which we'll get to —

### Chair's ruling

**Chair:** Order. This is a dispute between members. I ask that you please stick to the topic in question. Thank you.

Member for Riverdale North.

**Hon. Mr. Clarke:** So, as I said, I know that my time might be running short now, but I do have the member opposite's second reading speech in relation to the act now — *Animal Protection and Control Act* of 2022 — where he has significant concerns about warrantless searches. I have concern about warrantless searches as well. I absolutely support the proposition that they ought to only be used in the most exigent or emergency of circumstances. But they ought to be available, which is exactly what the Member for Lake Laberge said almost exactly 14 years ago on November 3, 2008. It's absolutely, in my view, related to his comments that he made at some length on his second reading speech, but a scant few days ago.

I will leave it at that, Madam Chair.

**Ms. Tredger:** I am going to switch gears a bit from warrantless entry.

I have a question about animal protection and control officers and the deputy animal protection and control officers. Who will be appointed in each of those roles? Are there criteria that you need to meet in order to be eligible for one of those roles?

**Hon. Mr. Clarke:** Thank you for the question from the member opposite. Government officials from the Department of Environment and the Department of Energy, Mines and Resources will be appointed as animal protection and control officers by ministerial order. The current positions of animal protection officer and livestock control officer will then be converted to the role of an animal protection and control officer. Deputy officers will be people in communities where there are agreements in place to enforce sections of the act — typically ticketable offences. Authority under these positions may be further limited under the ministerial order appointing the individual.

The Government of Yukon will be providing training and resources to support establishing deputy officer positions in communities. Those communities would then be responsible for financially supporting the ongoing continuation of those positions. Agreements will be in place to define roles, responsibilities, and requirements, as local governments see the need. Officers will have training and experience similar to the current animal protection officer: animal handling, use of force, and investigation — and deputies will have a level of training justified by their authorities and powers.

**Ms. Tredger:** So, I am wondering — I appreciate the answer about how the municipalities will support those positions financially. What about places that only have local area councils? I am thinking of Marsh Lake, for example, where

I think that the problem of dogs that are aggressive, being loose, is actually quite a big problem. How will that be addressed?

**Hon. Mr. Clarke:** There may be deputies appointed for “nearly governments” — for example, from Dawson — to extend into the nearby area. There may also be individuals appointed through the Yukon government to deal with unincorporated areas, some potentially by contract. The new legislation will provide a common standard in requirements for the care and control of animals that applies across the Yukon. This will be enforced by territorial government employees, but can also be enforced by authorities in municipal or First Nation governments. This could include governments that currently lack authority to enact bylaws, except under the provisions of the federal *Indian Act*.

The *Animal Protection and Control Act* allows the Government of Yukon to enter into an agreement with a Yukon First Nation for the application of additional requirements to be enacted by regulation respecting the care and control of animals to all or part of the settlement land of the First Nation. Generally speaking, it’s intended that we remain adaptable to meet the needs of local areas, which could include local advisory councils.

**Ms. Tredger:** Thank you for that answer.

I am going to switch gears again. I want to address a letter that I know the minister received from the Yukon Agricultural Association. I want to talk about some of their concerns, which I am hoping the minister can address here. They start out by talking about the need for acknowledging that livestock is different from pets. I wonder if minister could talk about how that is addressed in this legislation.

**Hon. Mr. Clarke:** Livestock in agriculture are animals that are raised for food or fibre, rather than other purposes, such as companionship. Some types of animals that are livestock could be categorized in more than one category: for example, a rabbit or a horse could be livestock or a companion animal, and elk could be livestock or wild as well. So, it is important to define this distinction clearly. We will do that in regulations. We will consult with the agricultural industry on the regulations.

**Ms. Tredger:** It’s especially good to hear that they’ll be involved in those conversations about the definitions.

So, another thing they brought up is the need for the structural coordination between the departments of Environment and Energy, Mines and Resources as this legislation is implemented.

Can the minister talk about how that’s going to work?

**Hon. Mr. Clarke:** Thank you for the question.

The enforcement officers from both departments would be named animal protection and control officers. Livestock control officers at the Energy, Mines and Resources Agriculture branch now have responsibility to respond to livestock that are “at large”. This will not change, but as animal protection and control officers, they will now be the first response to animal welfare complaints related to livestock.

Madam Chair, they currently have no authority to respond in those situations, and the industry has been clear that they want livestock specialists to respond in all livestock cases.

When animal welfare or control concerns the livestock operation, officers from Energy, Mines and Resources would have the designated authorities to respond in those situations.

There will also be joint and cross-training for Environment and Energy, Mines and Resources enforcement officers enforcing the new *Animal Protection and Control Act* and regulations. The departments will be coordinated and have the same policies and procedures guiding compliance and enforcement.

**Ms. Tredger:** Thank you. And I wanted to address one more concern that’s in the letter, which is about education and enforcement protocols for contraventions that may occur on farms. Can the minister just speak to how that will be addressed?

**Hon. Mr. Clarke:** With respect to education and enforcement protocols, generally the approach will be for education — to get people into compliance through education and working with individuals on a case-by-case basis. The bill allows a framework to address a broad range of circumstances appropriately. The bill includes better and more flexible enforcement tools and stronger penalties for certain offenses. Officers will be able to use their discretion when assessing the severity of the contravention and can use orders as a tool to guide individuals into compliance, rather than penalize.

**Ms. Tredger:** So, I appreciate all those answers to the questions. I think that will probably be — I hope that will be reassuring for the Agricultural Association. I really appreciate the indication that the regulations will be developed in consultation, because I know an extensive consultation happened to develop this legislation. I also know there has been a pandemic since then, and a lot of time has passed. I think going back to people and involving them in the regulations is going to be really critical in making sure this works for Yukoners.

That wraps up my questions. I just want to say thank you again to the officials for answering lots of questions, lots of detail and briefings. They’ve done a lot of work, and I know it is a monumental amount of work to get an act of this size to the point it is at now. I want to say thank you to them, thank you to the minister for his answers, and I will cede the floor.

**Ms. Van Bibber:** I would also like to thank the officials for joining the minister today. Welcome to the House again.

I do have a few questions about this bill, mainly aimed toward the tourism angle or the tourism side of things.

There are many features to animal control, and although some are good suggestions in the areas, others are detrimental to the smooth operation of a business or to the owning of multiple animals. The minister mentioned, time and again, how wonderful their consultation was with the industry of dog mushing. I know there was a letter from the Yukon Dog Mushers Association which states that they were not properly consulted. There was one meeting held in Whitehorse with them where they voiced their concerns and expressed opposition to some of the clauses.

Can the minister verify whether there was only one meeting held with the Dog Mushers Association?

**Hon. Mr. Clarke:** I can confirm that there were two meetings — November 2018. The Yukon Dog Mushers Association was in attendance for both. There was another follow-up meeting on August 1, 2019, but they were not able to attend. However, other dog mushing groups were present. Mushers were consulted and acknowledged the increase in public scrutiny around the sport. They were supportive of a regulatory framework to ensure that 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 — e.g., well-nourished, hydrated, and socialized — not whether there is food or water present. We expect that 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 — that these would apply to sled dogs, whether kept for racing, working, or recreational purposes. These standards are applicable to other working dogs housed outside as well.

In meeting with mushers, we acknowledge that there are different opinions on the most appropriate path forward to address these concerns because it is still too early to have a recommended approach. Further discussions with mushers will take place on the development of such standards and regulations in the Yukon.

In our recent response to mushers, specifically we heard from dog mushers that standards for pet dogs should not be the same as dogs kept for mushing and that we should set a minimum baseline that everyone should be able to meet and look into further standards specific to mushing dogs. As you will see in the new act, the baseline standards have moved away from a detailed, prescriptive approach of requiring that dogs have food and water at all times, as I indicated, and instead to an outcome-based approach that requires that an animal has a healthy body condition and adequate hydration.

In our recent response to the Yukon Dog Mushers Association, you will notice in the new act that we have addressed concerns of remote Yukoners who may not have access to veterinarian services and ensured that there is flexibility such as seeking veterinary advice rather than physically bringing the animal to a veterinarian for medical care. As I have indicated with respect to a number of the interested parties who certainly have asked to have targeted, meaningful, and ongoing consultation between now and when regulations come into force and effect, my department — the Department of Environment — and the Department of Energy, Mines and Resources have been responsive and will continue to be responsive in this regard to ensure that mushers are appropriately considered, given their particular and, in some respects, unique circumstances.

In meeting with mushers, there are different opinions on the most appropriate path forward to address these concerns. Because it is still too early to have a recommended approach, further discussions with mushers will take place on the development of such standards and regulations in the Yukon.

**Ms. Van Bibber:** On that note, the mushers had expressed their concerns. Despite having the two meetings —

November 18 and August 19 — did the minister or department reach out to the Yukon Dog Mushers Association specifically to address those concerns before the act was put in?

**Hon. Mr. Clarke:** I will provide a brief response, but perhaps I can provide some additional detail during the course of the afternoon.

There was a follow-up. My notes indicate that there was a follow-up in August 2019, which the Dog Mushers Association was not able to attend. The beginning of the policy work — and ultimately the drafting work — occurred basically concurrent with the beginning of COVID.

As I have indicated a number of times in Committee of the Whole, there is every intention to meeting with all interested and impacted stakeholders to ensure that there are no unintended consequences with respect to their businesses. We expect that businesses that use sled dogs or working horses will want to let their clients know that they meet the highest standards as a promotion or to please their clients. We have reached out to these organizations in the engagement phase, and we will continue to reach out to them in the targeted and specific engagement in the drafting of the regulations going forward.

My understanding, from speaking to my department, is that we have had quite a fulsome, robust, significant consultation. I can certainly go through a rundown of what that looked like in 2018, following up into 2019, and also with additional meetings in 2020 and, albeit admittedly, fewer in 2021, but now we have this modern legislation. The former Yukon Party government had taken some small steps. There was an awareness at the time that this type of legislation was required. Some of it is 10, 15, 20, 25, 30 years overdue. We have that framework through the legislation. We will put meat on the legislation through regulations, given the best information available and regulations from across the country.

**Ms. Van Bibber:** Many of these dog mushers train and race their dogs, but some also branch off for tourism operations to offer a unique experience for visitors. After the “what we heard” document was released, it stated that it was still too early for decisions on dog mushers and that further discussions during phase 2 should be held with them. I am assuming that phase 2 is, as the minister stated, drafting and putting the meat in the act.

Why not follow the “what we heard” documents and meet with these dog mushers prior and alleviate the concerns that they have before we get to further actions on this act?

**Hon. Mr. Clarke:** As I have indicated, there’s every intention of continuing to engage with the Yukon Dog Mushers Association and all dog mushers in order to craft regulations that have minimal — well, hopefully minimal — impact on mushing operations and for them to maintain a thriving business where there is an agreement on the ethical treatment of animals, which one would expect.

It seems that, as far the “what we heard” document, what isn’t clear needs more discussion — discussions with mushers on the need to address questions such as to whether a third-party standard, such as *Mush with P.R.I.D.E.*, which we have talked about a fair bit, should be adopted or if a Yukon-specific

standard should be developed — if a new standard is to be developed, how mushers and their organizations will be involved in its development and whether standards should be voluntary or mandatory and how they would apply to sled-dog businesses and recreational mushers so that they would be fair to both and what should be required of boarding kennels operating as a business in the Yukon.

**Ms. Van Bibber:** None of the “what we heard” document really outlines feedback from the Yukon businesses in the tourism sector. Which tourism-based businesses provided feedback to the government, and did the Yukon government follow up with them to understand the challenges they face, prior to this bill being tabled?

**Hon. Mr. Clarke:** The Government of Yukon reviewed the legal framework in the territory for the protection and control of animals. This review examined aspects of managing all animals other than wildlife, including domestic pets, exotic animals, livestock, and working animals. To inform this review, in the fall of 2018, we engaged with the public, interested stakeholders, municipal governments, and unincorporated communities, as well as consulting with Yukon First Nations. We wanted to hear from Yukoners about what they thought the legal framework for managing animals in the Yukon should look like, what issues the laws should address, and what values should guide the laws.

In September of 2018, we contacted every Yukon First Nation, municipal government, and local advisory council. We invited anyone who was interested in having an engagement event set up in their community to contact us. We worked with every First Nation and community that responded with an interest in having an event in their community. As I’ve indicated previously, throughout November and December, we hosted public meetings in Carmacks, Carcross, Dawson City, Mayo, Old Crow, Pelly Crossing, Tagish, Takhini River subdivision, Teslin, and Whitehorse. We also met with First Nation governments, town councils, and joint councils.

In addition to the community meetings, we posted an online survey from October 16 to December 17 of 2018 and received 902 responses. The survey included open-ended questions to allow respondents to share their thoughts in their own words. Respondents shared over 90,000 words in comments.

We also met with groups that could be affected by changes to the legal framework for animal protection and control. These included animal rescues, dog mushers, and enforcement agencies, such as the RCMP and municipal bylaw officers. What we heard clearly from this engagement on the topic of animal control was: a territory-wide requirement for owners to control their animals at all times; freedom to allow their dogs off-leash — so, “control” doesn’t mean the dogs must always be on-leash — better tools to enforce animal control in the communities; animal control to apply to all owned animals, pets, livestock, and working animals; and cats are confined to minimize their impact on wildlife.

The majority of respondents — 66 percent — want owners to be required to keep their animals under control at all times. We also heard loud and clear that people don’t want “control”

to mean that dogs must always be on a leash. Specifically, people were concerned with dogs roaming at large. Thirty-six percent of respondents felt that uncontrolled dogs in their communities pose a safety risk to them, and 46 percent of respondents thought that uncontrolled dogs posed a safety risk to other members of their community. This safety risk is not borne equally by all Yukoners. Forty percent of respondents who identified as female reported feeling at risk from dogs, and 50 percent of respondents between the ages of 56 and 75 years felt at risk. Of respondents who identified as First Nations, 53 percent reported feeling at risk from uncontrolled dogs in their community.

While we heard primarily about concerns with dogs, it is clear from responses that people also wanted domestic cats to be confined. People were also concerned about the impact that cats have on wildlife and particularly predation of songbirds and also the destruction of wild predators — foxes, for example — attracted to prey on roaming cats.

People want better control of livestock, particularly to prevent the escape of animals that could establish a feral population in the Yukon. Respondents clearly saw a link between control and welfare — that animals cared for properly were less likely to roam in search of food and that the animals under control were less likely to come into contact with wildlife, bite people, or be struck by a vehicle.

In general, animal control issues were more significant in communities outside of Whitehorse and Dawson City, which have bylaws that impose rules beyond the existing territory-wide legislation.

We asked Yukoners about what animal owners should be responsible to do. A strong majority of respondents — 82 percent — believe responsible owners should spay or neuter their pets, unless the owner is specifically intending to breed the animal. Eighty-one percent of respondents expect that owners should be liable for any damages caused by their animals. Seventy percent of respondents consider it the responsibility of owners to confine dogs to their property, and 64 percent consider it a dog owner’s responsibility to leash the dog when off their property. People noted that adequately trained dogs that come when called or the use of tools such as electronic training collars could be a means of control. People wanted to allow discretion, as long as dog owners could ensure that their dogs do not interfere with other animals or with people. However, if people are not able to adequately control their animals, people expect there to be consequences.

Communities were frustrated with the limitations of existing laws and the challenges of enforcing them. Communities are interested in exploring new enforcement models that would better support them to address public safety concerns and have more autonomy to manage animals in their community.

Following these discussions, we took note of the areas that need further discussion. We needed to continue talking with First Nation governments, municipal governments, and local advisory councils on what tools could best empower them to design and enforce animal control requirements appropriate to their communities.

So, first of all, there is obviously, in my view, a strong need for this legislation and a significant number of Yukoners who were perhaps mistakenly of the view that some of this legislation already existed, but it doesn't. The departments have consulted with some businesses, but I take the Member for Porter Creek North's point that consultation, specifically with tourism operators, could be more robust and will, in fact, be targeted with them. We have responded to operators. We have responded to the Wilderness Tourism Association of the Yukon and indicated that we value and respect the tourism sector and acknowledge the contributions it brings to the economy and to Yukon culture. We sincerely acknowledge the challenges faced by the industry as a result of the pandemic and appreciate the efforts required for these small businesses to recover and thrive. We support the growth of Yukon tourism and believe that the proposed act will provide assurances to your clients that those businesses providing experiences with working dogs or horses are meeting the highest standards.

The Yukon's current animal protection and control legislation is outdated. This has led to high profile, possibly preventable, deaths of Yukoners, as well as ongoing concern for public safety from roaming dogs and the need for methods to better control feral animal populations. There have been demands to ensure that working dogs and horses are cared for throughout their life. The new proposed *Animal Protection and Control Act* enables modern animal welfare standards to be adopted and fills the current significant gaps and challenges around the enforceability of animal control and welfare in the Yukon.

The proposed *Animal Protection and Control Act* will also provide a framework to close the current legislative gaps concerning the ownership of exotic animals, expand our tools to enforce animal control in remote communities, and regulate animal businesses and organizations. The principles captured in the proposed act reflect the priorities we heard during our engagement with Yukoners: that people and businesses who own animals must be responsible for providing the care they require and respect the safety of people, property, and the environment.

The act will not come into force until regulations are completed and approved. There will be ongoing engagement with stakeholders, including the Wilderness Tourism Association of the Yukon, to work on the details of these regulations. This will include adopting national codes of practice for animal care with modifications that reflect the realities of working animals in the Yukon.

As I have said a number of times over the course of the last three days, I will provide more detail on the extent of the consultation. In my view, the consultation and engagement that occurred on a territory-wide basis in 2018 and into 2019 and onwards to policy and drafting were extensive and thorough.

Are these consultations ever perfect? No. There is always follow-up that is required, and we — the Department of Environment and the Department of Energy, Mines and Resources — certainly welcome the comments and the constructive comments coming forward. I have every confidence that the good work that has been done in bringing

this modern animal protection control legislation to the floor of the Assembly will continue and that progressive and modern regulations will come into force and effect in the next months.

**Ms. Van Bibber:** I thank the minister for that explanation — and that he will do some extensive research and consultation with tourism-based businesses as well.

Has the minister received any input from the Wilderness Tourism Association of the Yukon, the Tourism Industry Association, and the Yukon First Nations Tourism Association? If he has, can he please share their input with this House or any letters that he might have received?

**Hon. Mr. Clarke:** As of right now, to the best of my knowledge, we have not heard from the Yukon First Nations Tourism Association and I have not heard from TIA, but, in my previous comments, I did indicate that we had heard from the Wilderness Tourism Association of the Yukon. I have read from some of the response that we have provided to them, and I am advised that they have already responded to my response, indicating a thank you for the rapid response and commitments. That is my most up-to-date information with respect to the communications that have occurred.

**Ms. Van Bibber:** Would the minister be able to table that information from the Wilderness Tourism Association of the Yukon?

**Hon. Mr. Clarke:** Yes, I have no issue with sharing the correspondence back and forth with the Wilderness Tourism Association of the Yukon. It appears to have been relatively widely shared already — so no issue.

**Ms. Van Bibber:** Thank you to the minister.

The survey that was put out online was felt to be not adequate by many. It was multiple choice and it was felt that leading questions were asked, therefore producing a biased report. There have been many surveys that people have said — accusing that there were leading questions, therefore not giving a very accurate picture of the needs for the actual act. Has the minister taken this into consideration when he had his department draft the document that we are now discussing? How does the minister justify these complaints, and has the government given any thought to changing how they engage citizens on surveys?

**Hon. Mr. Clarke:** Thank you for the question from the Member for Porter Creek North.

So, there are a few elements to this question, but the first would be that there was an open opportunity during the public engagement to respond with open questions and comments. It was not confined to the survey. As I have indicated a number of times, we had a number of public community meetings and ongoing stakeholder meetings, so there were a variety of tools to collect public input.

With respect to how the survey itself was structured, I'm advised that the Bureau of Statistics was engaged to set up the survey. They certainly have excellent credibility and they do a lot of surveys, so they were engaged and asked to assist to design the survey. Once again, as with everything, could a survey be — I haven't turned my mind actively to the overarching, perhaps 50,000- or 40,000-foot issue about how all Yukon surveys are formatted, but the information from my

department is that the Yukon Bureau of Statistics was engaged to assist in the design of the survey, so it didn't come directly and exclusively from either the Department of Environment or the Department of Energy, Mines and Resources.

Once again, the information wasn't just accumulated and aggregated through the online survey. Subsequent to this, there have been greater engagements, but at the time, there was significant response to the survey and also to the community meetings and the targeted consultation with interested persons.

As I have indicated, information was garnered, collected, received, and synthesized through various means, not just the survey. As I indicated previously, the Bureau of Statistics was engaged to assist in the design and ultimate implementation of the survey.

**Ms. Van Bibber:** I would like to thank the minister for his responses and also the officials who attended today.

**Deputy Chair (Ms. Tredger):** Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

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

Is there any further general debate?

**Hon. Mr. Clarke:** I have some brief general comments while I am on my feet, and then I look forward to further questions. I would also, at this point, just like to acknowledge the Member for Lake Laberge. I know that, in this Assembly, there are competing narratives, and the members opposite have a job to do, and they are either the Official Opposition or the Third Party. But I do acknowledge, for the record, that the Member for Lake Laberge reviewed the record on another matter — I think it was Bill No. 16 — and recognized that he had misspoken himself, and I acknowledge that and thank him for reviewing the record and making those comments today.

In any event, to further frame today's discussion, I would like to advise the Assembly a bit about the animal health unit within the Department of Environment. The animal health unit safeguards the health and welfare of wild and domestic animals, supporting the link between Yukoners and the animals that share their lives. Staff monitor wildlife to detect emerging diseases and implement programs that protect wildlife health. Veterinarians oversee livestock meat inspections and support veterinary services for livestock owners to produce high-quality, Yukon-raised meat, eggs, and dairy products.

The department assists Yukon communities with animal welfare and dog control programs, including supporting communities to re-home or surrender dogs, and ultimately improving public safety across the Yukon. The unit oversees core funding for registered humane societies in the Yukon to provide animal welfare services across the territory. The unit

collaborates with the chief medical officer of health, providing advice on 1Health issues and diseases shared between people and animals. The animal protection officer works within the animal health unit.

This veterinary oversight enhances animal protection services for all Yukoners. Individuals can call the animal protection officer to report abuse or neglect of domestic animals. The officer will respond with either an investigation or information about who to call or how to proceed.

Yukoners benefit from our animal care programs, including the community dog care initiative, community dog spay program, and the canine ID program. Since 2016, the community dog spay program has offset the cost of dog spay surgery for over 500 Yukoners in rural communities. The community dog care initiative supports community leaders to work with the animal protection officer, exploring options and implementing plans to help keep people and the dogs in their community safe. This may include advice on facilities to securely hold dogs and transport to Whitehorse or Dawson City for re-homing. These programs support Yukoners' safety by removing unwanted dogs that could form packs and reducing the overall number of unwanted dogs by helping owners have female dogs spayed. This improves the health and welfare of pets and the safety of people across the Yukon.

Our canine ID program gives collars with ID tags to dogs in rural Yukon communities, encouraging responsible dog ownership across the Yukon. The animal protection officer and staff work with community leaders and volunteer organizations to support spay, neuter, and rabies vaccination clinics in Yukon communities. Having an animal protection officer means that Yukoners have someone to contact who will help, who can visit their community, and who can develop solutions in partnership with communities, rather than imposing actions that may not be successful or sustainable.

The Department of Environment works with the agricultural community to help balance industry growth, while sustaining the health of livestock, wildlife, and the natural environment. The animal health unit partners with the Government of Yukon Agriculture branch to help farmers obtain veterinary care for livestock raised for food or fibre under the livestock veterinary services program. An animal health unit veterinarian is managing the program and providing veterinary care for livestock through a telemedicine service and limited on-farm herd health visits. Veterinarians in the animal health unit oversee meat inspection at approved processing facilities to ensure locally produced meat is safe. Animal health inspectors are responsible for enforcing orders under the *Animal Health Act*, including the control order. Offences are rare, but investigations are often complex.

The unit I've just outlined for you is the very same one tirelessly working to put this act before us today. When I say "unit", it generally distills down to, largely, one highly skilled and passionate veterinarian who is working on this act with the support of her colleagues and a number of highly skilled public servants.

It has been an honour to have had the oversight of such a significant and dedicated team from across the departments of Environment and Energy, Mines and Resources.

**Ms. White:** Again, it's a pleasure to be here, and to these officials — my portfolios have changed, but the topics remain important to me. I just want to ask a couple more questions about the new *Animal Health Act* and how it will relate with agriculture. I know my colleague, the Member for Whitehorse Centre, had some questions.

One of the issues that comes up when I talk to folks in agriculture — there is, of course, a difference between agriculture animals and, for example, pets. One of the suggestions has been that — the Yukon government right now has one veterinarian or chief veterinary officer within the Department of Environment, and one of the questions or the suggestions from agriculture is to have one within the Department of Energy, Mines and Resources specifically for agriculture.

I wanted to know if the minister is aware of that kind of desire from the agriculture industry. It has been pointed out, of course, that the quickest growing part of Yukon agriculture is actually in the meat production. The question has been raised as to whether or not the Yukon government is looking at having a specific veterinarian for agriculture purposes.

**Hon. Mr. Clarke:** The answer is that the animal health unit partners with the Government of Yukon Agriculture branch to help farmers obtain veterinary care for livestock raised for food or fibre under the livestock veterinary services program. There is an animal health unit veterinarian, who is managing the program and providing veterinary care for livestock through a telemedicine service and limited on-farm herd health visits.

Veterinarians in the animal health unit oversee meat inspection at the approved processing facilities to ensure locally produced meat is safe. Animal health inspectors are responsible for enforcing orders under the *Animal Health Act*, including the control order.

The specific answer to the question is that there is no dedicated veterinarian with the Agriculture branch, but the animal health unit is partnering with Energy, Mines and Resources at the Agriculture branch and that there is a veterinarian from the animal health unit who is engaged, I believe, in a number of the matters which the member opposite is asking about and is suggesting.

**Ms. White:** I do thank the minister for that. I understand that this is the current practice. I'm bringing forward what I have learned from the Agricultural Association. So, I guess my question — and I realize that I'm only speaking to the Minister of Environment, but the Minister of Energy, Mines and Resources is also in the room — is: Is there the willingness from both departments to have that conversation with the Agricultural Association? So, one of the things that has been highlighted is that, between the Department of Environment and the Department of Energy, Mines and Resources, things are different. It's no criticism to the Department of Environment, but one thing that has been highlighted by the Agricultural Association is that they would like to have that conversation.

I'm just wondering if the ministers are open to that conversation.

**Hon. Mr. Clarke:** Yes, I'm advised that we are certainly open to those discussions. I understand that those discussions have been occurring over the course of a number of years. Could there be a structural change? Yes, there could be. There ultimately would likely be some sort of a resourcing issue which would have to be addressed, but as I indicated in my previous response, the relationship between the veterinarians at the animal health unit and the Government of Yukon Agriculture branch is positive and they are providing those resources.

Could there be more resources? I imagine that there likely could be, and that's probably the nature of some of the conversations that have taken place over the course of the last few years.

I am also advised that the Agriculture branch recently developed a livestock extension program that offers on-farm visits to discuss biosecurity, feed testing, and overall herd health assessment work. They are implanting this new program jointly with the assistance of the veterinarian within the animal health unit. The branch intends to use this new livestock extension program to better understand the needs of industry in relation to veterinary services.

To the member opposite's question and point, discussions with the Agricultural Association and other key stakeholders remain ongoing. We look forward to more of those discussions.

The Government of Yukon supports a diversified livestock sector and all livestock species. Husbandry practices will provide a good quality of life for livestock from birth to end of life. Farmers are responsible for ensuring that the basic physical needs are met. This includes nutritious feed, clean water, shelter, and health care. The act before you today works toward fulfilling these commitments. It supports a regulatory framework that enables a thriving Yukon livestock industry.

During our consultation with the agriculture sector, a livestock health and welfare subcommittee under the Agriculture Industry Advisory Committee was formed that informed the development of this act in terms of value, control, and welfare of livestock species. The recommendations from this group encouraged the collaboration between the departments of Environment and of Energy, Mines and Resources for livestock through providing more authority in and for the Agriculture branch and their experts to manage control and welfare with the livestock sector. This legislation enables species-specific standards for the control and welfare, further fulfilling commitments in the 2020 agriculture policy.

Also, consultation with the agriculture sector recommended the National Farm Animal Care Council's code of practices as recommended practices for the care of livestock. The *Animal Protection and Control Act* enables this through further regulation development, and we will consult with the agriculture community to recognize the current high standard of care practices by farmers in the Yukon. I can continue, but for now, I will leave it at that.

**Mr. Cathers:** What I want to note, in rising to speak to this, is that, first of all, this legislation is very important to



Yukoners. This government has seen at least six stakeholder groups that we know of writing and asking to be consulted on the legislation. Some have been very clear that they do not want to see the legislation passed, regardless of any commitment that the government may make on future consultation, before they have a chance to be consulted on the details that affect their lives and their livelihoods. We know that a number of individuals, as well, have written to government with that too.

The issues around animal ownership and responsible legislation and regulation touch the lives of thousands of Yukoners. This is an issue that is very important to Yukon citizens. In contrast this afternoon, we have heard the Minister of Environment — down a rather long, bumpy, and muddy track with a lot of spin going on and not talking about the issues that citizens and stakeholder groups have written to him about. I would say, before moving on to policy matters, that if the Liberal ministers spent half as much time actually doing their jobs as they do playing silly games and taking partisan shots, there wouldn't be a firewood shortage and there wouldn't be a family doctor crisis in this territory.

So, I want to address specifically some specific comments and rather selective spin that we heard from the minister with regard to debate from 14 years ago. I would note that digging 14 years into the past and cherry-picking words that I said, while deliberately not repeating other comments that talked about the importance of judicial oversight and warrants, does not present an accurate picture of my views at the time.

Secondly, this is not 14 years ago. Public views, priorities, and concerns have changed, and if I hadn't learned anything in the past 14 years, that would be a problem.

I quite freely admit that in the 14 years since 2008, I have become even more concerned than I was then about the potential abuse of powers and trampling of civil liberties than I was at the time. That is why, in 2013, when we amended the *Animal Protection Act*, I was a voice for ensuring that officers must always have a warrant to enter a home. That, of course, is what the legislation in the *Animal Health Act* — tabled by my colleague, the Leader of the Official Opposition — said: that it includes the requirement that officers can get a telewarrant, but they must have a warrant to enter a home.

But I would note that I know this government is feeling under fire and under attack from citizens over this. They've attempted to parse words and raise concerns regarding comments that I made at second reading and the description of this legislation that I, along with others and my colleagues, have shared with Yukoners, based on our understanding of the bill and of the concerns of Yukoners.

In speaking to this legislation at second reading, I noted that this proposed legislation goes further than child protection legislation in the territory in granting the power for warrantless search and seizure. That is from page 2257 of Hansard. I noted, as well, that it goes beyond what is currently in the *Animal Health Act*, and the act was amended in 2013. I hear the Minister of Justice laughing off-mic. This is not a laughable matter, Deputy Chair. Yukoners are concerned about this legislation, and the dismissive "father knows best" of this

Liberal government is something that is very offensive to Yukoners who are concerned about the details.

So, returning to what I was saying, Deputy Chair, as I noted at second reading — and unfortunately, the Minister of Environment and his colleague, the Minister of Energy, Mines and Resources, have chosen to try to spin that to say something that I didn't actually say — I noted that this proposed legislation goes further than child protection legislation in the territory in granting the power for warrantless search and seizure. It goes beyond what is currently in the *Animal Health Act*, and that act was amended in 2013, including creating a provision in that legislation for the ability for an officer to apply for a telewarrant, if it was not practical to appear in person.

Moving on to an item — an e-mail that we've shared with Yukoners that the minister has taken issue with and attempted to spin — we've noted that the powers for an officer to enter your home without a warrant are a step beyond the powers that an officer has under child protection legislation. Those two statements, Deputy Chair — or three, depending on how you wish to count them — are facts. The ministers can attempt to characterize, as they have — the Minister of Environment and his colleague, the Minister of Energy, Mines and Resources, have attempted to create the impression that any provision under legislation to enter without a warrant is equivalent to all other provisions, regardless of the threshold that is placed in the legislation, and that, of course, is simply not true and not the case. The threshold set in legislation makes a very big difference.

I would remind members that, if they look to that, they will see that — and this relates specifically to our statements about child protection legislation — the section of the *Child and Family Services Act* that allows the director or police to bring a child into care cites the standard of immediate danger — "immediate danger". It says — and I quote, under section 39: "Bringing child into care without warrant

"(1) If a director or peace officer has reasonable grounds to believe that the life, safety or health of a child is in immediate danger..." — then it notes the action that they may take to — "... bring the child into the director's care."

The standard of "immediate danger" to a child's life or their safety is a far higher one than the threshold proposed by this government in Bill No. 20.

Further, in the current *Animal Protection Act*, it specifies the standard of an animal being in distress. Again, as compared to the bill that this government tabled, section 14 sets a far lower standard than either "immediate danger" or "in distress" — of this. "... a member of the Royal Canadian Mounted Police may enter a place, including a dwelling place, without a warrant for the purpose of meeting the standard of care in relation to an animal or providing an animal with an adequate quality of life."

Let's compare the three standards set out in the existing *Child and Family Services Act*, or child protection legislation, to the existing *Animal Protection Act* and the proposed *Animal Protection and Control Act* tabled by this government. The first standard in child protection legislation is "immediate danger to the child". The second standard, under the current animal protection legislation, is "in distress". The third standard

proposed by this government in seeking to lower the bar to allow greater ability for entry to a dwelling place without a warrant is this: "... for the purpose of meeting the standard of care ... or providing an animal with an adequate quality of life."

I think it's fair to say that all of us in this Assembly agree that there is value in ensuring that an adequate standard of care for animals is met and certainly that government can step in if an animal's life is in danger or an animal is being neglected, but in comparing again the three standards for entry without a warrant — immediate danger to a child; an animal being in distress; or what this government proposes doing — they are proposing dramatically lowering the standard that must be met for an officer to act without a warrant.

I will stand by my statement earlier that I believe that may be unconstitutional. The standard they have proposed in section 14 is for the purpose of meeting the standard of care in relation to an animal or providing an animal with adequate quality of life. That is a dramatically lower standard than "immediate danger" or "in distress".

Bizarrely, we've also seen a situation where the minister and his colleague, the Minister for Energy, Mines and Resources, are telling people that they don't think that the section of the existing animal control act has ever been used, while simultaneously asserting that they somehow need to put a lower standard in this act than exists in the previous bill. So, I'm going to start by asking the minister a couple of questions.

The first, contrary to what the minister said earlier — he said something about everyone having their narratives — there are facts, Deputy Chair, and I'm going to start with one. There is a difference in the standard of the threshold under the existing child protection legislation, the existing animal protection legislation, and what the minister has proposed here. Does the minister understand the difference between the standards of "immediate danger to a child" and "standard of care of an animal"?

**Hon. Mr. Clarke:** As with my prior comments, I would reiterate that the provisions under the *Animal Protection and Control Act* to allow for warrantless entry in exigent circumstances is, in fact, consistent with section 4.2 of the current *Animal Protection Act* and is not a new provision. The authority is only granted to members of the Royal Canadian Mounted Police, not animal protection and control officers or deputies. RCMP would only be entering the place in exigent circumstances.

In comparison to the *Child and Family Services Act*, this provision only enables 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 reference to section 17 of the act, where an animal protection and control officer who is lawfully in a place may seize without a warrant — that, of course, is different from warrantless. This is the power of an office, but it is only about being able to use power to seize — without having to get a warrant — when lawfully in a place already, such as with an entry warrant or invitation or following up on an order.

Section 4.2 of the existing *Animal Protection Act* — not the *Animal Health Act*, so I think we are mixing things. In fairness, as far as the facts go, the Member for Lake Laberge was referencing the *Animal Health Act*, which wasn't the act that he was passing in 2008. Section 4.2 — "A member of the Royal Canadian Mounted Police may exercise the powers of entry, search and seizure pursuant to section 4.1 without a warrant if the conditions for obtaining a warrant exist but, by reason of exigent circumstances, it would not be feasible to obtain a warrant." So, under the new section 14, we have the same terms, which is "exigent circumstances". There is a body of case law determining what constitutes "exigent circumstances" and the determination of whether exigent circumstances existed is potentially reviewable. The intention is that it is essentially the same.

The purpose of entry must be meeting the standard of care in relation to an animal or providing an animal with an adequate quality of life, but the standard that justifies entry without a warrant is exigent circumstances. That standard is the same as section 4.2 of the existing act. Notwithstanding concerns that the member opposite may have with respect to the underlying words that are used to ultimately determine the legality of the warrantless search — ultimately, the analysis will be with respect to whether exigent circumstances existed.

As I indicated previously, this legislation is comparable in that it is similar or close to the same as the prior *Animal Protection Act*. It is also 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, at the time, a requirement to obtain a warrant may result in serious injury or death to the animal.

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

Deputy Chair, section 14 reads: "Entry without a warrant — If the conditions for obtaining a warrant exist but..."

So, there have to be conditions for obtaining a warrant. Therefore, there would have to be some sort of underlying facts and circumstances that support the obtaining of a warrant, whether it's in person or a telewarrant — so, if the conditions of obtaining a warrant exist. That's a pre-condition — that you have to have some sort of conditions to exist to obtain a warrant. Section 14 doesn't start with "because of exigent circumstances" or "because there are exigent circumstances" it would not be feasible to obtain a warrant. It says that conditions have to be met. So, it would be something ultimately — if you have to look at it afterwards because the exigent circumstances existed, but it would be that, for instance, as I said previously, if the structure were burning down or there were facts to support that there were obvious issues with respect to the health of the animal — so much so that if you drafted an affidavit and

information to obtain — if you had the time or the ability to draft the information to obtain a warrant — which is what it says: “If the conditions for obtaining a warrant exist...” — so that would mean, or presuppose, that you could draft the information to obtain and it would have the facts outlining the emergency — outlining the circumstances — but by virtue of the fact, probably, that time was of the essence, you couldn’t draft that information to obtain. You couldn’t phone a JP or a judge to receive a telewarrant or attend at the courthouse to have the quality or the nature of the information to obtain be assessed by a judicial officer, whether it is a Justice of the Peace, Territorial Court Judge, or a Supreme Court Judge — so that it was not feasible to obtain a warrant, the member of the Royal Canadian Mounted Police may enter a place.

So, the safeguard is that conditions have to exist for the obtaining of a warrant in the ordinary course. So, if that pre-condition doesn’t exist — that you don’t have the underlying facts that could have led to a successful application for a warrant in the ordinary course, whether it is, as I said, in person or by telewarrant — then you can’t continue on. You can’t continue on in section 14 because that pre-condition hasn’t been met. It is not just exigent circumstances — well, it is like emergency exigent circumstances where time is of the absolute essence. But the section is clear that conditions to obtain a warrant do exist. It is not just, in this case, an RCMP officer determining that he or she is going to take action. They have to assess all circumstances and then, retrospectively, whether there would have been support for the proposition for a warrant to be issued. In that respect, it is, in my view, the same as section 4.2, but I will just have a look at 4.2. So, section 4.2 of the *Animal Protection Act*: “A member of the Royal Canadian Mounted Police may exercise the powers of entry, search and seizure pursuant to section 4.1 without a warrant if the conditions for obtaining a warrant exist but, by reason of exigent circumstances, it would not be feasible to obtain a warrant.”

So, let’s have a look at section 14 of the proposed *Animal Protection and Control Act*. It says: “If the conditions for obtaining a warrant exist but, because of exigent circumstances, it would not be feasible to obtain a warrant...” Those look an awful lot like the same words. But I think, as far as people listening at home and reading Hansard going forward, what is important to note is that, if there are concerns about civil liberties being breached, the review would be: Were there facts that, if an RCMP officer went — and it was reviewed — to a JP or a Territorial Court Judge or a Supreme Court Judge and said, “These are the underlying facts that I had relayed to me or that I witnessed with respect to this, which, in my view, would have supported the proposition that a warrant could be issued; however, there were exigent circumstances and, in consequence of the exigent circumstances, notwithstanding that the preconditions existed, I was not in a position to receive the warrant.”

Now, one of the options, of course, is a telewarrant, which provides significant access to justice — to RCMP members who might find themselves in Ross River or Old Crow or in Faro or Teslin or wherever. So, people would say, “Well, can’t

you try to get a telewarrant?” And the answer is yes. You should be able to get a telewarrant in most circumstances. But this provides for a scenario where, for whatever reason, it’s not possible. The RCMP officer is faced with a constellation of facts of an emergency nature, or an exigent nature, where he or she has to make that call. It should be, and will be, in my submission, a very rare circumstance, and that is what the Member for Lake Laberge was talking about.

I’m not purposefully trying to cherry-pick, but in November 2008, when he was a member of that Cabinet, he was faced with really the same situation, the same legislation, and with the words that create the power — are very, very close to identical. Just to be clear, in Hansard, on page 3187, November 3, 2008, in relation to the *Animal Protection Act* and not the *Animal Health Act*, just a quick two sentences — and I quote: “That, of course, in this legislation also includes the strongest powers that are usually included for RCMP officers, which gives them the ability under exigent circumstances to enter property without a warrant. That is not extended to other officers. That is something that is very clearly defined in case law...” — which I just said as well — “... in many other areas — particularly the Criminal Code areas — that require there be a very high standard for them to take that step, or else the officer faces the possible disciplinary action, et cetera, for not exercising their responsibilities appropriately.”

We are likely going to disagree on this, but respectfully, I do believe that we are comparing apples to apples.

**Mr. Cathers:** Well, here we go again. It’s a very inventive narrative by the Liberal Party and the Minister of Environment. The fact that the minister suggested that, just because the clause in the existing *Animal Protection Act* and the *Animal Protection and Control Act* he tabled use the same word, “exigent”, that the clauses are identical is absolutely ridiculous. It’s quite laughable that the minister would suggest that if this wasn’t such a serious matter.

As I have set out, instead of responding to my clear question with an answer, the minister responded with several minutes of baffle-gab after getting notes from colleagues and briefing notes handed to him. The question was simple: Does the minister understand the huge difference between the standard that is set out in our child protection laws of “immediate danger” to a child versus the standard in the bill he tabled, which proposes that the standard for animal protection and entry without a warrant be lowered to “... for the purpose of meeting the standard of care in relation to an animal or providing an animal with an adequate quality of life.” This is section 14 of their act.

As the minister knows, as well, the existing *Animal Protection Act* sets out the standard of an animal being “in distress”. Oddly, in the minister trying to make the case for his legislation, he quoted provincial legislation that included a much higher standard of a threshold, such as — I wrote it down as he was talking — a standard from one provincial legislation of “critical distress” and injury or death of the animal being imminent. There is a big difference between the standards of critical distress and injury or death, as set out in the piece of legislation from the province that he cited, and the existing

standard in the current *Animal Protection Act* of an animal being “in distress”, not to mention the *Child and Family Services Act* standard of “immediate danger” to a child.

I know that this government is desperately trying to defend what they have put in place, but the fact is that they are hearing from Yukoners who are concerned about this standard. In fact, this government is proposing lowering the bar — the threshold — for warrantless entry to the lowest level ever in Yukon legislation. That is a fact. The minister’s choice to use the word “exigent” and to read the same briefing notes again and to cherry-pick comments from 14 years ago does not change the fact that he has tabled legislation that lowers the threshold for warrantless entry to the lowest level it would ever be at in Yukon history. I do not agree with that, nor do many Yukoners.

Again, if the minister wishes to cherry-pick comments from me from 14 years ago, I have been very clear about the fact that, in addition to the fact that the legislation set out the standard of “in distress” and not the wishy-washy standard in the minister’s legislation, in the 14 years since then, I have become more concerned about the potential abuse of power and trampling of civil liberties than I was back then. I am not going to deny that is the case.

I also noted and reminded the member that in 2013, when we amended the *Animal Health Act*, we insisted in that legislation that officers must always have a warrant. I would note that, if the member wishes to continue throwing mud and casting aspersions, I am the only member of the Yukon Party caucus that was part of the government in 2008. I also resigned the next year, as the member knows, but I would point out that a number of us were part of the government in 2013, and I continue to stand behind the provisions we put in the *Animal Health Act*, where we required that officers must have a warrant while making provision for a telewarrant to enter a home.

So, the member can engage in revisionist history and mudslinging all he wishes, but Deputy Chair, this is a serious issue. The minister is proposing lowering the standard for warrantless entry to a home to a standard far lower than is set in the existing animal protection legislation or child protection legislation.

The minister is also subsequently trying to pretend that black is white and white is black, but that’s not the case. The minister’s colleague, and then the minister himself, have tried to tell Yukoners that the existing section of the *Animal Protection Act* put in 14 years ago has never been used in their belief and then simultaneously asserting that they need to lower that threshold to make it easier for an officer to enter a home without a warrant.

So, Deputy Chair, the question I would ask the minister is: If this section has never been used, why do they see it as necessary to continue it, and why do they see it as necessary to lower the threshold for it?

The commonality of the minister referencing the word “exigent” in two pieces of legislation does not make those provisions identical. I would certainly hope that the minister would know that. The details in the legislation are key. As mentioned, Deputy Chair, the standards in legislation he quoted from provinces and said were similar — well, it’s actually very

different — if a province sets out the standard of “critical distress” of an animal or injury or death, that is very different than the wishy-washy standard that he has put in of allowing someone — an officer — to enter “... without a warrant for the purpose of meeting the standard of care in relation to an animal or providing an animal with an adequate quality of life.”

There is no requirement in the wording that he has proposed in the bill he tabled that there actually be an urgent risk to the animal, and the question of immediate danger or imminent risk — whether you’re talking about a child or an animal, Deputy Chair — dramatically changes the situation. “Immediate danger” is a dramatically higher standard than “for the purpose of meeting the standard of care”.

The minister ought to know it, and if he doesn’t know it, I would suggest that we should suspend debate on this while he gets a briefing on what the difference is between the standard of “immediate danger”, “in distress”, and the wishy-washy standard that he has placed in this legislation of being able to enter just for the purpose of meeting a standard of care.

So, Deputy Chair, I asked the minister a simple question about whether he knew the difference between the standard of “immediate danger” versus “standard of care”. The minister talked around the issue, repeated himself, and refused to answer the question. I assume we’re going to get the same type of bafflegab from him again.

So, I want to move to another question. Let’s see if he can answer this one or if we’re going to get more spin, more mudslinging, and more bafflegab from the Minister of Environment to an issue that Yukoners take quite seriously.

The *Animal Health Act*, as I noted, has the provision for a telewarrant, but entry only with a warrant. It’s very questionable now whether the potential theoretical need for urgent action outweighs the risk of someone overstepping and the very serious civil liberties issue and concern of Yukoners. The minister and his colleague, the Minister for Energy, Mines and Resources, have been telling people that they believe that the section of the *Animal Protection Act* that allows for the potential of a warrantless entry if an animal is in distress has never been used.

So, I would ask the minister: Is that correct? Have the police ever used that section of the old *Animal Protection Act* that — I will remind members — was put in place 14 years ago? If that is the case that it hasn’t be used, why not pull section 14 from this legislation and leave it with the ability, as stipulated in the *Animal Protection Act* — which, along with a number of my colleagues, we put in in 2013 and tabled by the now Leader of the Official Opposition — why not follow that standard of requiring a telewarrant for action or, at the very least, revising section 14 to set out a standard of “immediate danger” to an animal, instead of the wishy-washy standard of care standard that the minister has proposed in this piece of legislation, which, as he noted himself, might actually not be compliant with section 8 — I believe he said it was — of the *Charter of Rights and Freedoms*?

**Hon. Mr. Clarke:** I will be repeating myself a little bit here.

The condition precedent in relation to both section 4.2 of the *Animal Protection Act* — what it says is: “A member of the Royal Canadian Mounted Police may exercise the powers of entry, search and seizure pursuant to section 4.1 without a warrant if the conditions for obtaining a warrant exist but, by reason of exigent circumstances, it would not be feasible to obtain a warrant.” That is the entry without a warrant provision.

Section 14 of the proposed *Animal Protection and Control Act* says: “If the conditions for obtaining a warrant exist but, because of exigent circumstances, it would not be feasible to obtain a warrant, a member of the Royal Canadian Mounted Police may enter a place, including a dwelling place, without a warrant for the purpose of meeting the standard of care in relation to an animal or providing an animal with an adequate quality of life.”

So, for both of these sections — I will say it again, though we are unlikely to agree on this — the activating part of these two sections is the exigent circumstances.

As I indicated previously, there are all manners of ways — and I have said this before — for a RCMP member, even in remote Yukon communities like Faro, Ross River, Dawson, or Old Crow, to get a telewarrant that can be done quite expeditiously — and ideally, just a regular warrant with attendance at a Justice of the Peace. So, both of these sections — both section 4.2 of the *Animal Protection Act* and section 14 of the proposed *Animal Protection and Control Act* — are the same.

With respect to the standard of care, I would perhaps concede with the member opposite that there is an intention in the legislation to slightly lower the standard of care for obtaining a warrant because we are holding people to a higher standard of animal welfare than was done in the past. This is part of bringing the legislation up to the emerging standard of modern legislation, and that obviously, hasn’t been done for years and years and years.

But what we are talking about right now is an exigent or emergency circumstance, and section 4.2 of the *Animal Protection Act* and section 14 of the proposed *Animal Protection and Control Act* are essentially the same because circumstances have to exist and they are presumably reviewable. Circumstances would have had to have existed to obtain a warrant. That can be reviewed or litigated — or, as the member opposite, the Member for Lake Laberge, indicated on November 3, 2008, that it would be a very high standard for them to take that step or else the officer faces possible disciplinary action, et cetera, for not exercising their responsibilities appropriately — or judicial review or some other sort of litigation.

I would say that, once again, there is a pre-condition where you have to be capable of getting a warrant. So, there would have to be underlying circumstances for the obtaining of the warrant. What engages both section 4.2 of the *Animal Protection Act* and section 14 of the proposed *Animal Protection and Control Act* is the exigent or emergency circumstances, and, once again, as the member opposite noted in 2008, there is a whole range of Charter litigation with respect

to what constitutes “exigent circumstances”. It could be justified, or it might not be justified.

Because I know that there has been a lot of discussion today about where we go with this legislation as far as next steps are concerned, perhaps I would just provide a bit of background for Yukoners right now.

We know that the following stakeholders, among others, are interested in the next phase of engagement, and we look forward to that, and we are committed to working with them.

We have committed to all of the following groups: the Wilderness Tourism Association of the Yukon, the Yukon Agriculture Industry Advisory Committee, the Yukon Agricultural Association, Growers of Organic Food Yukon, Yukon Outfitters Association, Yukon Dog Mushers Association, rescues, humane societies, pet store businesses, vets, and boarding facilities.

There will be opportunities for key stakeholders to provide feedback on the standards of care for animals, cosmetic surgeries, exotics, and any other questions or concerns that they may have. For example, we will want to hear from stakeholders on the standards of care, making sure that they are reflective of our Yukon values and traditions whether the animal is a pet or a working animal or livestock. This is in addition to discussions on the proposed permitting process to ensure that they are the right fit for pet stores, boarding facilities, and animal rescues. Our next steps include, prior to finalizing the regulations, reaching out to each of the key stakeholders mentioned earlier seeking their input.

The public input, as I have outlined today, demonstrates substantial support to improve animal welfare standards and to 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 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 feral cats or dogs in some communities. This act provides a suite of tools that have 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 prior or simultaneous loss of consciousness. As indicated previously, we have been in direct contact with religious communities in Yukon, including the Jewish Cultural Society and the Yukon Muslim Society.

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 halal or 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.

As I stated previously, at the end of the day, this bill is about safety. We are looking to address critical safety concerns for both Yukoners and Yukon animals. Without this new act and its forthcoming regulations, the Government of Yukon will fail to address long-standing safety concerns of Yukoners about the enforcement of animal laws in the territory and will fail to mitigate risks that uncontrolled animals pose for public health and safety, the environment, and property.

In 2008, the Yukon Party government at that time started the process. They recognized how critical it was in a northern jurisdiction not to be left behind the national advances in legislation to protect animals from abuse. They passed the *Animal Protection Act* that is enforced to this day. The government at the time had the foresight to include measures respecting our communities that may be remote and provide for enforcement by RCMP who might in fact be the only officials in some communities. They even provided for obtaining warrants by phone and for warrantless entry when officers were justified and had no alternative.

By 2009, they had created a position for an animal protection officer and the welfare program in Community Services, but as Yukon public servants listened to concerns of the people, they heard repeatedly that, while we had a law to protect animals from dangerous people, we had nothing to protect people from dangerous animals.

Those calls for actions were answered in 2010 by engagement specifically with the people of Ross River to address dogs that were out of control. While it was possible to create reports about what could be done, there was not the will to make any change.

The *Dog Act* remained our only tool. I am sure that we have some idea of how limited that was. In 2015, we saw a change. It was clear that the administration of the animal protection program should be under the chief veterinary officer. Veterinary expertise could provide guidance for future improvements, and the program moved in April of 2015.

As I have mentioned, officials undertook evaluations and revitalization of animal protection programs, engaging community members to make improvements. For one young man and a community, change was not fast enough, as in the winter of 2015, Shane Glada-Dick was killed by a pack of dogs. This young man was a victim of dogs that he knew and that he had helped care for. This tore at the heart of the community. The coroner released a report in 2016 that made it clear that the legislative framework, specifically the *Dog Act*, needed reform. Officials began the process then to engage broadly, confirm the views of Yukoners about how animals could be controlled, how enforcement could be improved, especially in remote communities, and what new legislation should look like.

We have been listening to stakeholders, actively and repeatedly, since then. This is not always in documented formal meetings that would be reflected in what we can table for your review; however, it is often in conversations when we interact with clients, concerned citizens, and groups in the course of our work. What we heard led us to identify gaps in the entire framework related to domestic animals and people in the

Yukon. What we have built, based on all those conversations, is an act that enables us to address those concerns.

Will we formally engage with those groups as we develop those regulations? Of course we will. We have a framework before us today that, once enacted, will provide the scope and breadth appropriate to legislation in 2022. It includes what we heard over many years and will stand the Yukon in good stead well into the future.

We also heard that people want animals to be recognized as sentient beings capable of feeling and not just as property. People want the well-being and interests of animals to be protected. Yukoners want higher standards of care for animals than exist now in the Yukon and also that there be no unreasonable regulatory burdens on legitimate uses of animals, like mushing, farming, fishing, or hunting, and, of course, that there also be enforcement of animal protection laws.

This act also helps to fulfill another 2020 agriculture policy directive. The 2020 agriculture policy provides direction to support the development of animal protection and control legislation in the Yukon that provides livestock and farmers the right to raise livestock to the high standard for which farmers in the Yukon are known to provide to their livestock animals.

The Minister of Energy, Mines and Resources, who is responsible for agriculture and supports local food production and increasing Yukon's food self-sufficiency, knows that livestock that are healthy and well cared for help feed Yukoners and provide healthy meat sources.

The proposed act protects and enables these farmers to raise livestock to help feed Yukoners. As more food is grown in the Yukon, less fossil fuels are used to transport food to the territory — also reducing the carbon footprint.

The agriculture sector expressed a strong desire to have —  
**Some Hon. Member:** (Inaudible)

### Point of order

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

**Mr. Cathers:** Pursuant to Standing Order 19(b), the member is engaging in needless repetition here. He is re-reading the same notes that he has read already, more than once, here in this Legislative Assembly, and it is simply using up the House's time.

**Deputy Chair:** On the point of order, Member for Riverdale North.

**Hon. Mr. Clarke:** Generally speaking, there is a fairly significant latitude in Committee of the Whole in order to convey ongoing messages. I am a little unclear — anyway — this is clearly on point with respect to the *Animal Protection and Control Act*, and we have had a fairly fulsome discussion today about the agriculture sector. I'm providing some additional background with respect to the agriculture sector.

There is no point of order, in my opinion.

### Deputy Chair's ruling

**Deputy Chair:** I would ask the Member to return to his point when he continues.

Member for Riverdale North.

**Hon. Mr. Clarke:** This act also addresses a wide range, from education to compliance to enforcement; it provides a framework between people and compliance and appropriately addresses more serious offences. This act enables the agriculture sector to define the livestock species that can be farmed, thereby protecting and enabling farmers to raise livestock. Permits are not required for livestock.

This act does enable species-specific care that is most appropriate for that species. This allows a species, like rabbit that can be both a pet and livestock, to be distinguished and cared for appropriately. This act also allows livestock that may be determined to be high risk, like Eurasian boar, to be managed and cared for to protect the environment through standards of control.

Deputy Chair, I look forward to further discussions about all manner of the elements of the *Animal Protection and Control Act*. However, seeing the time, I move that you report progress.

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

*Motion agreed to*

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

**Deputy Chair:** It has been moved by the Government House Leader that the Speaker do now resume the Chair.

*Motion agreed to*

*Speaker resumes the Chair*

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

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

### Chair's report

**Ms. Tredger:** Mr. Speaker, 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 Deputy Chair of Committee of the Whole.

Are you agreed?

**Some Hon. Members:** Agreed.

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

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

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

*Motion agreed to*

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

*The House adjourned at 5:29 p.m.*

### The following sessional papers were filed October 31, 2022:

35-1-68

*2021 Annual Report — Protecting the public's interest in fairness, accountability and information rights during challenging times — Yukon Ombudsman, Yukon Information and Privacy Commissioner, Yukon Public Interest Disclosure Commissioner* (Speaker Harper)

35-1-69

*Sixth Report of the Standing Committee on Appointments to Major Government Boards and Committees* (October 31, 2022) (Clarke, N.)

### The following documents were filed October 31, 2022:

35-1-93

Yukon opposes use of RCMP resources for federal gun confiscation program, letter re (dated October 25, 2022) from Brad Cathers, Member for Lake Laberge, to Hon. Marco Mendicino, Minister of Public Safety, Government of Canada (Cathers)

35-1-94

National Truth and Reconciliation Day, letter re from Maria Benoit, Kaa Shaa du Hen, Carcross/Tagish First Nation, to Pascaline Etter, Chief of Staff, Third Party, Yukon Legislative Assembly (Blake)