



# Yukon Legislative Assembly

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Number 88

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35<sup>th</sup> Legislature

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## HANSARD

Tuesday, November 1, 2022 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

# YUKON LEGISLATIVE ASSEMBLY

## 2022 Fall Sitting

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

### CABINET MINISTERS

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

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

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

### LEGISLATIVE STAFF

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**  
**Tuesday, November 1, 2022 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Mr. Pillai:** I would like to ask my colleagues to give a warm welcome to a number of individuals who are here today. We are doing a tribute to Yukon's Living Heritage. I would like to welcome to the Assembly today: from the Council of Yukon First Nations, Allison Belshaw and Jesse Hudson; from Ta'an Kwäch'än Council, Anne-Marie Miller, thank you for coming today; as well, from the Yukon government, Jen Meurer and Jonathan Parker, both assistant deputy ministers at Tourism and Culture; as well as Christian Thomas, Clare Daitch, and Sophie Tremblay Morissette.

Thank you for coming today.

*Applause*

**Hon. Mr. Mostyn:** I would also like the House to welcome Michael Prowse, who is one of our community advisors and helps me navigate Yukon communities in my role as Community Services minister. Please give me a hand in welcoming him.

*Applause*

**Speaker:** Are there any tributes?

## TRIBUTES

### In recognition of Yukon's Living Heritage campaign

**Hon. Mr. Pillai:** Mr. Speaker, I rise today on behalf of the Yukon Liberal government to pay tribute to Yukon's Living Heritage campaign and its recent recognition by the National Trust for Canada.

Launched this spring, the Living Heritage campaign gives a user-friendly overview of the importance of historic sites and objects throughout the territory and the role we all play as stewards.

The campaign is the work of the Yukon Forum's heritage working group, a collaborative body of representatives from self-governing First Nations, the Council of Yukon First Nations, and the Government of Yukon. An early priority for the heritage working group was to educate the public about heritage resources, their value to Yukoners, and what to do with chance finds. Working with local design firm Aasman Brand Communications, an eye-catching awareness campaign featuring digital and physical assets was developed, including a way for the public to easily communicate chance finds.

Yukon's Living Heritage communicates the process for reporting heritage finds in four simple steps: leave it in place; take a picture or write a description; record its location; and use the dedicated phone line or e-mail address to communicate the find.

The campaign also provides information on the many types of heritage resources, from fossils to dwellings to landscapes, and provides background about the different rules protecting them.

After a successful launch here in the Yukon, it garnered some attention from the National Trust for Canada, which honoured the campaign with a Governors' Award. Comprised of leaders in the heritage sector from coast to coast to coast, the National Trust for Canada champions the protection and interpretation of heritage resources across the country.

In their presentation at the national conference in Toronto last week, they highlighted the innovative and user-friendly approach of the Yukon's Living Heritage campaign as well as its central theme of engaging the individual in responsible stewardship.

The management of heritage and historic resources in the territory requires strong collaboration with Yukon First Nations. The advancement of the work of the heritage working group is a great example of how we can work together in the spirit of reconciliation. This collaborative initiative reflects a renewed and positive approach to ensuring that Yukon's heritage and historic resources are preserved and managed for the benefit and understanding of future generations.

Congratulations to the Council of Yukon First Nations and the heritage working group for their valuable partnership throughout this innovative campaign's development.

*Applause*

**Ms. Blake:** I rise today on behalf of the Yukon NDP and the Yukon Party to pay tribute to the Yukon's Living Heritage campaign. Human history in the Yukon dates back tens of thousands of years — before the gold rush, and before Russian traders reached the Tlingit homelands in what is now coastal Alaska. From ancient caribou fences and Tutchone hunting blinds and tools, and earliest 20<sup>th</sup> century trappers' cabins, to the Alaska Highway and the Canol pipeline project, human history has left no inch of land unmarked in the Yukon.

Our cold and dry climate is adept at preserving human history on the land. Much of what was left behind 100 or 1,000 years ago still remains. It is critical to educate Yukoners and visitors about the importance of these historic sites and artifacts. Educating the public on what to do when you find an artifact on the landscape is important for preserving our history. I am grateful to CYFN and all the nations and staff who have put time and effort into this campaign.

My home community of Old Crow is a historic site as soon as you step off the plane, and there is deep history there, even if you can't always see it. There are sites in my traditional territory with many artifacts and history. We are taught by our elders to be caretakers of the land and of these sites. We must act as guests, even on our own land, in order to preserve them

for future generations so that they too can understand where they came from.

We have an internationally recognized historic site known as the Bluefish Caves near Old Crow. That site was critical to proving what we Gwich'in have always known — that we have lived on that land for tens of thousands of years. Many people, though, have taken things from there — small artifacts that don't belong to individuals, but to all Gwich'in people.

I also want to talk about how our living history is known and passed on — the oral tradition of the Gwich'in. Everything I learned about who we are as Gwich'in, I learned through storytelling. I remember elders like the late Sarah Abel and the late Stephen Frost teaching us about our landscape, where to find important resources, and about our language and history. These ideas are all tied together. You can't talk about hunting without talking about language or caring for the land. You can't talk about the present without talking about our history. History, whether physical, oral, or written, must be respected, and I am glad that work is being done to preserve it all because history is all around us, no matter where we are in the Yukon.

Thank you once again to those working to ensure the preservation of our past, and I look forward to a day when everyone understands the importance of our historic sites as living history and how to treat them with respect. Mahsi'.

*Applause*

### **In recognition of Carbon Monoxide Awareness Week**

**Hon. Mr. Mostyn:** I rise today to talk about the dangers of carbon monoxide. November 1 to 7 is Carbon Monoxide Awareness Week in Canada. Carbon monoxide is a silent killer, a poisonous gas that you can't see or smell. It is produced when we burn fuels such as gas, kerosene, oil, propane, and wood. Your house, garage, cabin, wall tent, or ice-fishing hut can quickly fill up with enough carbon monoxide to harm you.

In recent memory, Yukoners have been tragically killed by carbon monoxide poisoning. As we turn up the heat this winter, we should all be thinking about safety. Never use a fuel-burning appliance that is meant for outdoor use, such as a barbecue, grill, or portable generator in an enclosed space. For indoor appliances, eliminate carbon monoxide at the source. Get a qualified technician to install, clean, and maintain all of your fuel-burning appliances and their ventilation systems. A qualified technician will make sure that there is enough fresh air coming into your space and that your system is effectively venting the gas outside. Add heating system maintenance to your fall to-do list every year. It could save your life. The next item on the list is making sure that you have working carbon monoxide alarms. It's the law.

In 2013, the Yukon was the first jurisdiction in Canada to require carbon monoxide alarms in all residences with fuel-burning appliances or attached garages. Homeowners and landlords must install carbon monoxide alarms or combination carbon monoxide and smoke alarms outside all sleeping areas and on every storey.

Mr. Speaker, prevention and alarms are good defences against carbon monoxide, but Yukoners also need to know the symptoms of carbon monoxide poisoning. Carbon monoxide

reduces the blood's capacity to carry oxygen. Symptoms of poisoning include headache, fatigue, nausea, dizziness, weakness, breathlessness, confusion, and hallucinations. If you think you are being poisoned by carbon monoxide, get outside immediately and call 911. Stay outside until emergency services gives you the all-clear.

Thank you to Yukoners who are making carbon monoxide safety and prevention a priority. Learn the symptoms of carbon monoxide poisoning, and test your alarms at least once a month. It takes just a few seconds and could save lives.

More information about carbon monoxide safety is available online at yukon.ca.

*Applause*

**Ms. McLeod:** I rise on behalf of the Yukon Party Official Opposition to recognize Carbon Monoxide Awareness Week. As the cold temperatures set in, it's important to think about dangers that can be associated with ramping up our home heating units.

Carbon monoxide can be produced from a variety of household appliances, furnaces, stoves, fireplaces, generators, water heaters, and more. It is important to get into the routine of having annual maintenance for furnaces, woodstoves, fireplaces, and chimneys to ensure that they are in proper working order. Clear the snow from vents, chimneys, and intakes to prevent them from icing up in the winter. Appliances should be checked for the buildup of gas or leaks, and chimneys cleaned to prevent soot buildup and icing.

Carbon monoxide is an invisible gas and, unfortunately, often goes undetected until too late. It's odorless and tasteless, and the only way to detect it is to have a working carbon monoxide detector to pick up the elevated levels in your home. Effects of carbon monoxide on the body can show up quickly or poisoning can take place slowly over time. Headaches, breathlessness, nausea, and dizziness are all things to watch out for, and are, unfortunately, also symptoms of the common cold or flu. This underscores the importance of detection. Ensure that there is a working detector on every level of your home. Many smoke detectors have a built in CO<sub>2</sub> detector as well, but you can purchase plug-in portable detectors that are favourable to many, because they are low to the ground.

We have lost community members to carbon monoxide and it's never easy to hear that people have lost their lives to a preventable cause. Please take the time to have your furnaces and other heating appliances checked by a professional and that your chimneys and vents are maintained and in working order.

*Applause*

**Ms. White:** I rise today on behalf of the Yukon NDP to acknowledge Carbon Monoxide Awareness Week. The Yukon has had some really hard losses from carbon monoxide poisoning. This year marks 10 years since a Yukon family and their friend passed away from carbon monoxide from a blocked chimney that went undetected in their home. Laws changed because of this tragedy, but there are still things that we all must do. Carbon monoxide is odorless, tasteless, and invisible. The symptoms of carbon monoxide poisoning are flu-like, and they

get worse over days and weeks, which means that a lot of folks don't notice what's wrong until it's too late.

We have heard a lot of good information from the other two parties about what you can do to prevent and detect carbon monoxide in your home, so I want to echo some of their advice. Make sure that the person installing your furnace is trained and qualified. Get your chimneys checked every year, install a carbon monoxide detector, and test the alarm every month.

If everyone in your home is starting to feel sick and you think that it might be carbon monoxide, leave the house immediately, call 911, and the fire department will come and check it out. And please, above all else, take care of yourself and your loved ones this and every heating season.

*Applause*

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

### TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Silver:** I have for tabling a news release from the Government of Northwest Territories dated October 31, 2022. It confirms that the government there is discontinuing carbon tax rebates for home heating fuel.

**Hon. Mr. Clarke:** I have for tabling five letters: one to the president of the Association of Yukon Communities; one to the president of the Yukon Agricultural Association; one to the president of the Wilderness Tourism Association of the Yukon; one to the president of the humane society in Dawson, and one to the chair of the Growers of Organic Food Yukon.

**Mr. Cathers:** I have a couple of letters for tabling today. The first is a response from the Minister of Justice to me, dated October 27, regarding a matter of consulting the conflicts commissioner. The second is a letter from me to the Minister of Environment, dated today, regarding consulting with the conflicts commissioner.

**Mr. Hassard:** I have for tabling today an exchange of letters between me and the Minister of Highways and Public Works regarding a capital project in Dawson City.

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

### PETITIONS

#### Petition No. 15

**Ms. Tredger:** I have for tabling a petition that reads as follows:

This petition of the undersigned shows:

THAT neighbourhood schools are an essential element of neighbourhoods that reflect and implement good urban planning;

THAT neighbourhood schools are an important part of any plan or vision to sustain or promote diverse, healthy neighbourhoods that are reflective of a wide range of demographics;

THAT that École Whitehorse Elementary School, also known as EWES, is the only elementary school in downtown Whitehorse;

THAT in June 2022, prior to and without conducting any public consultation, the Yukon government announced that it would be closing EWES and rebuilding the school in the Takhini Educational Land Reserve, also known as the Takhini ballpark area; and

THAT the Takhini ballpark area is an important area for physical recreation and in particular for the softball community in Whitehorse;

THEREFORE, the undersigned ask the Yukon Legislative Assembly to urge the Yukon government to ensure that there is an elementary school in downtown Whitehorse and to conduct public consultation on this matter.

This petition has over 200 signatures.

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

### NOTICES OF MOTIONS

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

THAT this House congratulates Vuntut Gwitchin First Nation Chief Dana Tizya-Tramm on being named as a leader on the 2022 TIME100 Next list, which recognizes 100 rising stars from across industry and around the world.

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

THAT this House do issue an order for the production of the following documents related to the Safe at Home Society's purchase of the former High Country Inn:

(1) the accredited appraisal of the building that the Minister responsible for Yukon Housing made reference to during Question Period on Thursday, October 27, 2022;

(2) the building condition assessment that the Minister responsible for Yukon Housing made reference to during Question Period on Thursday, October 27, 2022;

(3) the operational plans that the Minister responsible for Yukon Housing made reference to in his letter to the society dated August 25, 2021;

(4) the Yukon government's assessment of the long-term financial and program viability of the project, which the Minister responsible for Yukon Housing made reference to in his letter to the society dated August 25, 2021; and

(5) all other relevant documents pertaining to the Yukon government's final approval of the capital costs, operational plans, and long-term financial and program viability for the Safe at Home project, which the Minister responsible for Yukon Housing Corporation made reference to in his letter to the society dated August 25, 2021.

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

**MINISTERIAL STATEMENT****Public engagement**

**Hon. Mr. Silver:** Mr. Speaker, today we are launching the 100<sup>th</sup> territory-wide major public engagement that our government has undertaken since 2017. The real numbers of engagement are certainly much higher, as public participation and engagement happen at different levels every single day, both online and in person. Our Liberal government is proud of our commitment to openness and transparency and the work that we have undergone to meaningfully involve the public in key decisions that affect Yukoners and all Yukon communities.

The 100<sup>th</sup> engagement is focused on recycling and coincides with the start of the recycling summit that our government is co-hosting with the City of Whitehorse. We are asking Yukoners to help inform the implementation of extended producer responsibility, a mechanism that will help to strengthen our waste management and recycling system here in the Yukon.

I urge everyone to take some time to learn about this important initiative and to also complete the survey, which can be found at [yukon.ca/engagements](http://yukon.ca/engagements). As many know, in 2017, we made a clear promise to Yukoners to gather their feedback and involve them in the decision-making process and the development of key strategies, policies, and actions that will help move the territory forward.

The Government of Yukon exists to serve Yukoners, and public participation and feedback is essential to building effective policy that supports thriving communities and helps Yukoners to lead healthy, productive, and happy lives. This means seeing Yukoners' views early on and taking the time to learn from their wisdom. It means making it easy for Yukoners to interact with the government and to get involved with decision-making. It also means explaining our decisions and sharing the input that we receive.

The bottom line is that we welcome Yukoners' views and opinions, and we are proud of the number of decisions that have been made based upon real input from real people. Over the past few years, we have heard from Yukoners on many significant issues. From seasonal time change and the decision to stop changing our clocks, to strategies for tackling climate change and modernizing our health care system, Yukoners' input and civic involvement has helped inform government decisions and make them more responsive to the needs of Yukoners. We are proud that we have reached this milestone of 100 engagements. We look forward to further, coming opportunities to hear from Yukoners.

**Mr. Dixon:** I appreciate the update and we agree that public engagement is important.

**Ms. White:** The Yukon NDP believes in the importance of public engagement, although I have more things to say than the Official Opposition.

So, we appreciate that there is an entire section of [yukon.ca](http://yukon.ca) dedicated to public engagement. We appreciate the work being done by those who are reaching out to the public to solicit their opinions or points of view and ideas. When the Premier says

today — and I am quoting: "... made a clear promise to Yukoners to gather their feedback and involve them in the decision-making process and the development of key strategies, policies, and actions that will help move the territory forward", we agree; 100 is certainly a number to mark, but we do have questions about what happens once those opinions are shared with the government.

So, how does public feedback shape government decisions? As an example, let's take a look at the process behind the Alaska Highway safety upgrade through Hillcrest. I would really like to read excerpts from the "Let's Talk Hillcrest" document, but, unfortunately, the link from the government's website goes nowhere and there is no ability to look back at what was said by the public during that public process.

But, never fear, Mr. Speaker, because I actively participated in the public engagement around the Alaska Highway rebuild, and I can look back at the number of meetings that I attended, the presentations that I sat through, letters that I read, and the survey that I took around the twinning of the Alaska Highway through Hillcrest. I think that it is fair to say that the feedback wasn't great. People had concerns about safety and environmental impacts. They raised concerns about speed limits, enforcement, and active transportation. Yet, here we are, with a twinned section of highway running through a residential neighbourhood and the airport that doesn't feel safer at all. And this, again, is from the government's website — and I quote: "Your input will help shape the new design of the Alaska Highway where it runs through Hillcrest, before going to tender with the construction in 2020. This input will help the Government of Yukon to mitigate and address concerns residents may have, and build confidence in the project moving forward."

So, how did they include the nearly 60 submissions to YESAB speaking out against the project, or how did they include the information shared by their own 2019 expert panel that recommended that the highway be made safer by keeping lanes narrower and fewer to encourage slower driving speeds and that an underpass be constructed to allow cyclists and pedestrians of all ages and abilities to safely cross the highway? So, how did the Yukon government take all of that feedback into account when they made their final decision?

So, it is fantastic to ask Yukoners about what they think about a project, but it can't stop there. You also have to listen to the answers. So, I would suggest that, for many Yukoners — if asked — they will say that it feels like a decision has been made before the engagement even starts. The Alaska Highway upgrades through Hillcrest is one such example. Maybe, instead of getting caught up in counting how many times the government has asked Yukoners a question, they should start listening to the answers, because, really, public engagement is all about listening, isn't it?

**Hon. Mr. Silver:** Thank you, Mr. Speaker, and thank you to my colleagues from across the way for their responses. I don't have a bunch to say about that specific engagement, other than to say that I disagree with the member opposite that

the new highway is less safe. That being said, public engagements are an extremely powerful tool that we use to connect Yukoners through the territory to ensure that their voices are reflected in the decisions that we make.

One of our most successful engagements was about — as I mentioned in my initial ministerial statement — seasonal time change. We received over 4,800 responses to this survey, one of the highest responses that a Government of Yukon survey had to date; 93 percent of respondents supported ending the seasonal time change, and we did just that in 2020. We won't be falling back this weekend while other jurisdictions make that change.

Another highly successful consultation that we did with Yukoners was the survey on legalized cannabis, which received over 3,100 responses. This feedback helped us to determine how cannabis legalization would work in the Yukon, from setting a legal age to creating rules for retail sales and setting limits for possession as well. Our government will continue to conduct meaningful public engagement to ensure that Yukoners are ahead.

We would also like to take a moment to thank the Yukon Bureau of Statistics, acknowledging their professionalism and skills in survey design and analysis. From crafting questions to collecting and reporting on results, we could not gather and share the feedback that we do without their expertise. Their ongoing support to the entirety of the public services continues to be invaluable.

I would also like to thank the staff throughout the public service who have helped us undertake these 100 engagements. Holding open and honest conversations with the public is a cornerstone of good governance, and I look forward to continuing to make evidence-informed decisions on behalf of Yukoners.

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

## QUESTION PERIOD

### Question re: *Animal Protection and Control Act* consultation

**Mr. Istchenko:** Since the minister tabled Bill No. 20, the *Animal Protection and Control Act*, we have received a steady stream of letters from stakeholder groups affected by the proposed legislation. These letters range from groups that work with animals for pleasure or for business, such as dog mushers, outfitters, and wilderness tourism operators, to groups representing farmers, such as the Yukon Agricultural Association and the Growers of Organic Food Yukon association. The common theme for all of them is that they don't feel the Yukon government adequately consulted them.

Does the minister think that the consultation that has occurred with these groups affected by his legislation has been good enough?

**Hon. Mr. Clarke:** The Government of Yukon has been working for several years to develop this new legislation, Bill No. 20, *Animal Protection and Control Act*, 2022. Our consultation was thorough. As I mentioned at the outset of the introduction of the bill, there were two phases of engagement.

In 2018, we engaged Yukoners through a public survey, receiving over 900 responses, and held 10 community meetings to establish values and broad concerns. The second targeted phase took place in 2019 and through 2021 to discuss specific issues with the livestock sector, veterinarians, dog mushers, pet stores, rescues, and others directly impacted by potential changes.

The public input demonstrated substantial support to improve animal welfare standards and to set control requirements across the territory. It takes time and substantial resources to take that information collected and to prepare a bill of this size for this Legislature.

Let me be clear, Mr. Speaker: our engagement started in 2018 but continues to this day. We are still having conversations and still taking feedback. Informal conversations happen every week. The departments are in regular contact with all stakeholders mentioned.

**Mr. Istchenko:** We know that there have been more than half a dozen letters from stakeholder groups sent to the minister asking for more consultation on this bill. Most have come from industry associations or groups whose members are directly affected by this legislation.

What they are asking for is more consultation and to have their input considered. So, of the groups that have written to the minister with concerns and asking for more consultation, how many has he personally met with?

**Hon. Mr. Clarke:** As we move forward in the development of the regulations under the *Animal Protection and Control Act*, we will engage with affected Yukon stakeholders. I know that this ongoing engagement will also be thorough. 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.

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.

Mr. Speaker, we have responded with an almost one-day turnaround with respect to the additional concerns that were raised by some of the organizations. I have advised a number of times when we have sat in Committee of the Whole on this legislation that the targeted consultation with respect to the drafting of the regulations will be thorough and complete.

**Mr. Istchenko:** So, in the 2016 election, the Yukon Liberals promised Yukoners that they would — quote: “be heard”. Now, we're hearing from a growing list of stakeholders that, when it comes to this legislation, the government hasn't properly reached out to people directly affected by it. So, does the minister think that he is living up to the commitment he made — that Yukoners would be heard?

**Hon. Mr. Clarke:** It's absolutely understandable that some of the organizations have asked for additional detail and that they wish to be consulted, and we will absolutely consult. But 900 Yukoners responded. So, yes, the consultation was absolutely thorough. We worked with every First Nation and

community that responded with an interest in having an event in their community. Through the fall of 2018, we hosted public meetings in Carcross, Carmacks, 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, 2018, which, as I indicated, received over 900 respondents.

We heard clearly from this engagement on the topic of animal control that there was a territory-wide requirement for owners to control their animals, and there were many different responses. We heard loud and clear that people don't want control of animals to mean that dogs must always be on their leash, but, specifically, people are concerned with dogs roaming at large.

So, there has been absolutely lots of consultations. Yukon citizens want this legislation. We will work with affected —

**Speaker:** Order, please.

**Question re: *Animal Protection and Control Act* consultation**

**Mr. Dixon:** Over the course of the debate on Bill No. 20, the *Animal Protection and Control Act*, it has become quite clear that consultation was inadequate. We know that some groups, like the outfitters, weren't consulted at all; they were completely missed. We know that some groups, like the dog mushers, were consulted but felt that the consultation was flawed and that their views weren't properly considered. Several other groups were just plain surprised that the bill was tabled without adequate consultation.

What the minister hasn't been able to do is make any compelling argument about why this bill needs to be rushed through and passed in the next couple of weeks. Why won't the minister just do what all these groups are asking, and pause the progress of this bill to go and consult properly with all these groups that have requested it?

**Hon. Mr. Streicker:** The bill is not being rushed through. We started working on the bill in 2018. We engaged with the public over several years. When we were in Committee of the Whole, I heard from our chief veterinarian, saying that she gets calls every week — several calls every week — trying to deal with problem dogs in our communities. Every time I go to communities and I hear from our communities, they are talking about the challenges around those problem dogs, and this act will assist.

What happened was that one of the members opposite from the Yukon Party wrote to these groups, misinforming them about a change in this legislation, which they put in themselves, and, through that misinformation, whipped up a bunch of concern and fear, and we got letters. The minister has continued to respond to every one of those letters — tabled today, by the way — to say, "Let's keep working with you." I think that's a good approach to deal with this compelling problem for Yukoners.

**Mr. Dixon:** Each and every one of these groups has looked at the legislation and taken it upon themselves to write

to the minister to ask that the consultation be conducted. In some cases, these groups have not been consulted at all, like the outfitters; in some cases, like the dog mushers, they have said that the consultation that occurred four years ago was inadequate and their views weren't adequately considered.

We have seen this before, Mr. Speaker. This type of thing happened just last year when the Minister of Community Services recognized that there wasn't enough consultation on the Better Buildings program, so he paused the bill and went back and consulted, and then the bill passed just a few months later with unanimous support and with buy-in from all those affected.

So, why isn't the Minister of Environment willing to do the very same thing? Why not just pause the progress of this bill, go back and consult with these groups that are directly affected by this legislation — businesses that have their livelihoods directly affected by this legislation — and bring the bill back in the spring?

**Hon. Mr. Clarke:** We know that the following stakeholders, among others, are interested in the next phase of engagement, and we look forward and are committed to working with them. We have communicated with 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, the Yukon Outfitters Association, Yukon Dog Mushers Association, and rescues, humane societies, pet stores and businesses, vets, and boarding facilities.

There will be opportunities for key stakeholders to provide feedback on the standards of care of animals, cosmetic surgeries, exotics, and any other questions or concerns they may have. For example, we want to hear from stakeholders on the standards of care, making sure that they are reflective of our Yukon values and traditions, and the animal — whether it is a pet, a working animal, or livestock — and this, in addition to discussions on the proposed permitting process, is to ensure that they are the right fit for pet stores, boarding facilities, and animal rescues.

Our next steps, prior to finalizing the regulations, is to reach out to each of the key stakeholders mentioned earlier, seeking their input. We take all the concerns seriously, and contrary to what the member opposite has indicated, some organizations are asking for further consultation or to be consulted fully and appropriately with respect to the drafting of the regulations, and —

**Speaker:** Order please.

**Mr. Dixon:** I encourage the minister to read the letters, because what these groups are asking for is to be consulted on the legislation itself. I appreciate that they are willing to consult in the future on regulations, but what these groups have asked, over and over again — we have seen at least six letters from groups so far, let alone those from individuals — is that people who are affected by this be consulted on the details of the legislation itself, not consulted after the bill has already been tabled.

We generally agree with what is in this bill. There are a lot of things that this bill does well, but it is clear that it is not



perfect and that some groups that are directly affected by this legislation have some serious concerns and want to have their voices heard before the bill becomes law.

As important as this bill is, the minister simply has not made a compelling case why this needs to be forced through in the next few weeks, rather than in the spring.

Why isn't the minister willing to pause this bill, go back and consult with these groups that are asking to be consulted, and bring the bill back in the spring?

**Hon. Mr. Clarke:** 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 the risk that uncontrolled animals pose to public health and safety, the environment, and property.

This act combines a number of outdated acts and will bring the Yukon into 2022 with respect to modern animal protection control acts. We know there have been tragic incidents where at least one Yukon citizen has died, and animal control issues have been raised by Yukon First Nations throughout the years, including when the former Yukon Party government was in power.

They had the ability to bring animal protection and control acts to the floor of this Assembly — comprehensive, modern, 2020 — well, it would have been earlier than that — modern animal protection and control legislation to the floor of the Assembly. They did not get it done. We will.

### **Question re: École Whitehorse Elementary School replacement**

**Ms. Tredger:** Last spring, residents of downtown Whitehorse were shocked by the announcement that École Whitehorse Elementary School was being relocated up the hill to Takhini. Since then, I have held town halls, knocked on doors, met with constituents, and received many, many e-mails and phone calls about the fate of our downtown school. I know the minister has heard from people too, and the message is loud and clear: We need an elementary school downtown.

Everyone understands that the current building needs replacement, and everyone appreciates the challenges of shuffling schools and students. We are not asking the minister to change plans or promise that the French immersion program will stay where it is. What we are asking for is assurance that a new elementary school will be built downtown.

Will the minister commit to downtown residents that there will be a new elementary school built downtown?

**Hon. Ms. McLean:** I think that this is really about good government investing in school infrastructure. École Whitehorse Elementary school has been identified for replacement with a new modern facility that will meet the needs of the community for years to come. This is an important investment in our educational system.

As Whitehorse continues to grow, we must ensure that our schools are able to serve the needs of our students, families, and educators. This particular school was built in 1950. It is the oldest school building in Whitehorse, and a top priority for

replacement. In terms of the direct question, the engagement with the broader Whitehorse community and partners is planned for the fall to determine a long-term plan for replacing and renovating other aging schools.

I met with the downtown residents who are concerned about having an elementary school in the downtown core. This information will be fed into the fall engagement and will be considered in a long-term plan, as it's developed. That is a direct commitment that I made to the downtown residents. We had a very good meeting, and I definitely spent the time listening, hearing, and understanding their concerns.

**Ms. Tredger:** There are so many reasons to have an elementary school downtown. In the time of climate crisis, families are choosing to live where their children can walk to school. People want to build community where they live in their own neighbourhood.

A school is so much more than a place for education; it is a community hub. Without an elementary school, downtown will become a less desirable place for people to live and risks turning into a commercial core that is a ghost town after 5:00. As one parent said to me, a community without a school is a dying community. Is that the future this government envisions for downtown? I certainly hope not.

So, will the minister recognize and commit to the importance of an elementary school downtown?

**Hon. Ms. McLean:** Again, I have met with the downtown residents. I have read all of the letters and concerns that have been raised with me. I have made a commitment to ensure that all of this information is fed into a fall engagement and will be considered in a long-term plan, as it is developed.

In terms of the replacement of École Whitehorse Elementary School, again, this is long overdue. The current facility is just not keeping pace with the current and future programming needs. I am happy to inform Yukoners that a project advisory committee is established to facilitate the collaboration and exchange of ideas between key partners, stakeholders, and Government of Yukon.

Again, I was happy to meet with the downtown residents, and I am definitely going to be bringing that information forward to the fall engagement, and all of that information, along with further consultation, will be considered in a future plan.

**Ms. Tredger:** The minister is talking about an engagement to decide what happens next, but that is a bit of a slap in the face, because no engagement was needed to get rid of downtown's only elementary school. No engagement was needed with Takhini before dropping a second school into their neighbourhood.

So, why does this government suddenly need a formal engagement before they can listen to downtown residents? People have been very clear in their desire to have a downtown elementary school. Over 200 people signed the petition that I tabled earlier today. The minister has to commit to having an elementary school downtown, and then go ahead with the engagement to find out what the school should look like. Ask people who should be eligible to attend, how it should be built, what facilities it needs — but, first, reassure them that they are

listening. Reassure them that their community will not be left without an elementary school.

So, will the minister commit to an elementary school downtown?

**Ms. McLean:** Our government is investing in school infrastructure. This is good news for the Yukon, to keep pace with the growth within our city. The Government of Yukon has included replacement — we're working on Whistle Bend school; we've committed to the Burwash Landing school; we're working toward a second Whitehorse Elementary replacement school.

As I met with residents, I definitely heard their concerns, and we have many partners who we work with and will continue to work with. I've assured the downtown residents that the information they're providing and the concerns will be considered as we do the consultation on future renovations, replacements, and other infrastructure needs for our school community in Whitehorse, and that their information will be brought forward, and they will be part of the consultation, along with so many other partners who we're working with.

#### Question re: Dempster fibre project

**Mr. Dixon:** This summer, I had the chance to sit down with the Chief of the Tr'ondëk Hwëch'in First Nation and discuss, among other things, the Dempster fibre project. At that time, there was concern about the Yukon government not living up to its commitments to engage the First Nation on this large capital project in their traditional territory. Since then, TH has publicly pulled their support of the project, saying that they hadn't received adequate response from the minister or the department.

What has the Yukon government done since then to address the concerns the First Nations have raised?

**Hon. Mr. Clarke:** The Dempster fibre project is certainly an important Internet fibre redundancy project for the entire north, and we're making good progress. I will report on that as we continue with my response, but what I would say is that we have reached out to the Tr'ondëk Hwëch'in First Nation, and I had a fulsome meeting with the chief and council within the last three or four weeks or so — with Chief Joseph, Deputy Chief Nagano, and councillors here in Whitehorse.

We reviewed the concerns that have been raised by Chief Joseph, and we committed to have our officials work together on a list of concerns, to meet the issues that the Tr'ondëk Hwëch'in has expressed with respect to that project, and committed to return for a progress report in December. We certainly want this project to make sense for the Tr'ondëk Hwëch'in. We believe that the Department of Highways and Public Works and YG itself is making best efforts to meet its commitments, and that the contractor is doing so as well.

#### Question re: Yukon River crossing at Dawson City

**Mr. Hassard:** Challenges with the *George Black* ferry this summer highlighted the vulnerability of the connection between Dawson and West Dawson. We have obtained a copy of the minister's detailed breakdown of line items that isn't included in the published spring budget.

The detailed breakdown highlights a \$250,000 allocation for planning for construction of a bridge in Dawson. Can the minister tell us how much of that \$250,000 has been spent, and if any consultation has occurred with the residents in the Dawson area so far?

**Hon. Mr. Clarke:** The safety and well-being of Yukoners and visitors is a top priority for the Yukon government. The *George Black* ferry typically operates between May and late October. The opening of the season for the ferry is based on water levels, which must be high enough so the ferry can be safely launched.

The final sailing for the season this year was on Monday, October 17, 2022. In July, due to staffing issues, the ferry was on a reduced schedule for one day. In August, ferry operations were, once again, temporarily halted due to a mechanical issue with the propeller and shaft.

The Department of Highways and Public Works crews worked very hard to have the ferry back in operation as quickly as possible, and I commend them. I was in contact with their supervisor in Dawson to provide my thanks to the tireless work of the Highways and Public Works crew up in Dawson.

To avoid any unnecessary wear and tear for the remainder of the season, the hours of service were reduced to fall hours a few weeks earlier than normal. Once the ferry was pulled for the season, it will undergo more extensive repairs that will allow normal operations to resume next season.

I do agree with the member opposite that, of course, plans for a redundancy of the *George Black* ferry do have to occur.

**Mr. Hassard:** There were a lot of words there, but none of them actually had anything to do with the question I asked, so hopefully the minister has done his preamble and gets on with answering.

The minister's unpublished details of budget expenditures say — and I quote: “The George Black Ferry is nearing the end of its lifecycle and is becoming costlier to operate and maintain. Climate change is increasing the likelihood of open water preventing ice bridge construction. HPW will advance engagement and planning to provide a Yukon River crossing that will be sustainable in the long term.”

Can the minister tell us when the government is planning to build a new Dawson bridge and when that capital project will appear in the government's budgeting?

**Hon. Mr. Clarke:** Well, we know that the bridge across the Yukon River at Dawson was so, so, so close to actualizing under a Yukon Party government, but that didn't happen — now many years ago.

But there certainly are options, Mr. Speaker, that will have to be looked at, including redundancy options for the *George Black* ferry, which was built in 1967. The Highways and Public Works staff do an amazing job of keeping it operational, but, of course, that can't last forever. We will begin the process of consulting with the Tr'ondëk Hwëch'in government and the Town of the City of Dawson with respect to possible plans going forward with respect to planning for the future. Those plans are in the early phases, but I can assure you, Mr. Speaker, that this will be done in a thoughtful and comprehensive manner.

**Question re: Child Development Centre building**

**Mr. Kent:** Earlier this summer, the Yukon government awarded contracts for both engineering consultant services and architectural and structural consultant services in relation to the demolition of the Child Development Centre building. This followed the discovery of mould in that structure. When we asked about this in the spring on March 29, the Minister of Highways and Public Works told the Legislature that a decision had not yet been made.

Can the minister tell us when the decision to demolish the Child Development Centre building was made and what the estimated cost of that demolition will be?

**Hon. Mr. Clarke:** The Department of Highways and Public Works ensures that all government buildings are safe and suitable for use. In the spring of 2021, mould was discovered in the Child Development Centre and it was immediately closed to staff and the public.

After a thorough assessment, the department has determined that the building is no longer suitable for use and it will be demolished. The demolition contract will be tendered in the spring of 2023, and the work is expected to be completed next summer. Highways and Public Works will be working closely with other departments to begin planning for the future use of this land but no decisions have been made yet.

Mr. Speaker, with respect to both the Child Development Centre and Macaulay Lodge, there are expenses, but there are also opportunities because then you have prime land in Riverdale that can be used, as far as Macaulay is concerned, for additional residential development, and the Child Development Centre site can also be used for appropriate purposes as well. In addition, of course, greenhouse gases are saved because these are old, inefficient buildings that are going to be demolished and the site will be repurposed.

**Mr. Kent:** So, now that a decision to demolish the former CDC building has been made, families that use the facility are wondering about when it will find a permanent home. Currently, CDC staff are scattered around the city in various government offices and buildings. Obviously, this is not ideal for the operation of the centre and the important work that it does for the children who need those services. So, when will the government open a permanent location for the CDC?

**Hon. Mr. Clarke:** The Member for Copperbelt South will know this, but while non-government organizations are generally responsible for securing space to run their programs, the Government of Yukon has supported the Child Development Centre by accommodating the occupants in a temporary space as they look for a new long-term space. The long-term space will be secured through the private sector.

I can certainly get back to the member opposite with respect to the plans before the Child Development Centre and any additional support that the Department of Highways and Public Works may, in fact, be providing to them to identify and secure that spot. But, generally speaking, as I indicated, the long-term space, or the acquisition thereof, is going to be the responsibility of the Child Development Centre, notwithstanding that we agree that we may be involved in that process.

At this time, I am provided with an opportunity to thank the Child Development Centre for all of the amazing work that they do in relation to many Yukon children who face different and varied challenges.

**Mr. Kent:** That was an interesting response from the minister that the Child Development Centre and its board, as an NGO, are responsible to find their own space. I am curious if the minister can tell us if the board is aware of that, and if so, when were they made aware? Are they also responsible for coming up with the resources for any leasehold improvements to the space that they are looking for?

**Hon. Ms. McLean:** I can confirm, of course, that Education and Health and Social Services work collaboratively with our partners in the Child Development Centre to improve ways to provide the best services and supports for our Yukon children and families.

In terms of the direct question, I have met with the Child Development Centre recently. Our department continues to work in partnership with them. For the 2022-23 fiscal year, we have committed approximately \$3.4 million in operational funding for the Child Development Centre, which included funding to cover collective agreement increases. Additionally, the Yukon government is funding the renovation, furnishings, and lease for the Child Development Centre's new space, which will be ready, I am told, in 2023 to better accommodate all of the Child Development Centre programs, clients, and staff in one location.

Funding allows the CDC to provide services to children and families in every community in the Yukon as well, including on-site therapeutic services at Dusk'a Head Start early learning centre at Kwanlin Dün First Nation. We absolutely value the work that the Child Development Centre does, and we are a strong partner.

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

**ORDERS OF THE DAY****MOTIONS RESPECTING COMMITTEE REPORTS****Motion respecting Committee Reports No. 3**

**Clerk:** Motion respecting Committee Reports No. 3, standing in the name of the Hon. Mr. Mostyn.

**Speaker:** It has been moved by the Chair of the Standing Committee on Rules, Elections and Privileges:

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

**Hon. Mr. Mostyn:** I have a few short remarks this afternoon. I am very happy to be addressing the progress that we have made at the Standing Committee on Rules, Elections and Privileges this year, and the coming vote this afternoon.

Changing the way we address each other in this Chamber will help make our society more inclusive. All Yukoners deserve to be represented in this House, and it is time we ensure

that this is the case. The measure before us this afternoon will make it easier for citizens to relate to their government. I think that it is important to recognize where this motion came from, Mr. Speaker. It came from my colleague on the committee, the New Democrat House Leader, and it is an issue that has also been championed by our Premier. It is a great example of how we can work together to better our democratic institutions and make our society more inclusive through progressive measures. It is thanks to our mutual desire to take our territory forward that these ideas become tangible actions and become part of our daily routine and discourse.

When it was proposed by the Member for Whitehorse Centre, it was believed to be a simple measure. I can say, personally, that it was an idea that was easy to consider implementing and long overdue. However, delivering this turned out to be a little more involved than initially thought. I thank the Clerk's office for all of its research and briefings on the matter. It was very helpful and got us here this afternoon. I want to thank the Member for Whitehorse Centre for bringing this idea forward to the committee.

Finally, I look forward to the coming vote. I hope that it is unanimous, making a clear, cross-party statement of intent on fairness, equality, and inclusion across the territory. I hope that we signal this afternoon to the community that the government is willing to better reflect the citizens it serves.

**Mr. Dixon:** This report accurately reflects the decision made by SCREP. I know that the decision of SCREP was made by majority vote, not by consensus; however, we will support the concurrence with the report from SCREP.

**Ms. Tredger:** I am actually really excited to be talking about this here in the Legislature, because I first started talking about this — I think that it was in the early summer of 2021 — so, well over a year ago, at this point. I brought it forward then because, to me, this is really a question of who we want to be in this Assembly, who is welcome here, and who will be accommodated here. The answer is that it should be everybody — that should be all Yukoners feel that they are welcome here. Regardless of their gender, regardless of anything else about them, everyone should be welcomed and accommodated in this House.

Our current system, where we force people to publicly identify themselves with gendered titles — to start with, it makes no space for anyone who is non-binary, and it is kind of hostile to other people, too, who, for any number of reasons, may not want to make that public gendered statement about themselves.

Speaking for myself, as a brand new MLA walking into this role for the first time, I had to choose if I was going to be Madam Deputy Chair. That felt like a pretty weird title to take on for me. It didn't fit; it didn't feel good; but I didn't know what else to do. I'm really happy that, going forward, there are going to be alternatives for people and that, as a group, we have decided that it is not the environment we want here.

Like I said, I started this process over a year ago, and I hope very much that my colleagues will join me here today in supporting it.

Lastly, I want to acknowledge that, as we are talking about who is welcomed and who this place is accessible to, this is just the very beginning. There are still so many ways that this House is not welcoming to people. I think we can all acknowledge that this Assembly has a long way to go before we are truly representative of the diversity of the Yukon, and I hope that this will be just one of many steps that we take to make this a more welcoming and inclusive place.

**Hon. Ms. McLean:** I wanted to just say a few words in support of this motion today. I have spent a great deal of my time since being first elected in 2016 — first, as the Minister responsible for the Women's Directorate, now as the Minister responsible for the Women and Gender Equity Directorate.

On July 15, 2021, we released our LGBTQ2S+ action plan, which followed a very comprehensive public engagement in 2018-19 and included our partners in Queer Yukon, All Genders Yukon, and other allies and folks throughout the territory. It resulted in an action plan of 108 actions, most of which are ongoing. One of the actions is integrating inclusive language into the new official Government of Yukon communication style guide. We have done extensive work over the past several years to modernize legislation to be inclusive of all Yukoners and to incorporate neutral language. I am very supportive of this motion today, and I think that it is a huge signal to our community, overall, around inclusion.

I also wanted to make a comment about gender-inclusive diversity analysis, which is also known as GIDA. Our government is committed to inclusiveness, equality, and respect for the diversity of all Yukoners.

One way we demonstrate this is by integrating this analysis — gender-inclusive diversity — into our decision-making processes. Again, this is aligned with our commitment under our action plan that we released in July 2021.

Those are the comments I have today, Mr. Speaker.

**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.

**Mr. Hassard:** Agree.

**Mr. Istchenko:** Agree.

**Ms. White:** Agree.

**Ms. Blake:** Agree.

**Ms. Tredger:** Agree.

**Clerk:** Mr. Speaker, the results are 17 yeas, nil nays.

**Speaker:** I think the yeas have it. I declare the motion carried.

*Motion respecting Committee Reports No. 3 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 general debate on Bill No. 16, entitled *Second Act to amend the Legal Profession Act, 2017 (2022)*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

### **Bill No. 16: Second Act to amend the Legal Profession Act, 2017 (2022)**

**Chair:** The matter before the Committee is general debate on Bill No. 16, entitled *Second Act to amend the Legal Profession Act, 2017 (2022)*.

Is there any general debate?

**Hon. Ms. McPhee:** Thank you, Madam Chair. I would ask my colleagues to welcome Will Steinberg, who is joining me here today. He is a senior policy analyst with the Department of Justice. Will has been here in support of other bills, and I thank him for his attendance today, and hope my friends will welcome him to our Chamber.

In my earlier remarks, during second reading and in previous debate, I reviewed the proposed changes to the *Legal Profession Act, 2017*.

The proposed amendments that are here in this bill are proposed to amend the *Legal Profession Act, 2017*, and they are a testament to our government's commitment to working with our partners to ensure that legislation continues to facilitate the important work of Yukon organizations and societies — in this case, such as the law society. At the request of the Law Society of Yukon, we have considered this matter, done the needed policy work, and drafted Bill No. 16 for presentation and debate here in this Legislative Assembly.

Through the proposed amendments, we continue to ensure that the Yukon's legal profession is supported by a modern legislative and regulatory scheme. The amendments support the healthy operation, and efficient operation, of necessary Law Society of Yukon processes, as it regulates the practice of law in the Yukon. It is important to note for Yukoners that the Yukon law society regulates the practice of law in the public interest. It is not a society for the benefit of the profession. In fact, the Law Society of Yukon regulates the legal profession to hold it to account in the public interest.

Before I discuss Bill No. 16, I would like to provide a little bit of background about the *Legal Profession Act, 2017*. It received assent in 2017 and came into force on February 6, 2020, after the associated regulations and the Law Society of Yukon's updated rules, which become regulations under the act, were prepared and approved. In May 2021, and through follow-up communications, the Government of Yukon was informed by the Law Society of Yukon that language in the *Legal Profession Act, 2017*, had led to administrative issues for the society's executive and its complaint investigation committee. As currently drafted, some language in the act is causing administrative issues in that it fails to provide the option of a complaint dismissal.

Additionally, there is no provision to protect the society, its staff, or executive committee members from liability. With this context in mind, through Bill No. 16, we are proposing to amend the relevant provisions of the *Legal Profession Act, 2017*, with specific changes, that will first replace section 64(a) of the act with a version that allows complaints to be dismissed for a justifiable reason, and ensure that the complainant's right to appeal remains in place; and, secondly, to provide statutory immunity from legal actions to those who act in good faith on behalf of the society.

The Law Society of Yukon's inability to dismiss a complaint means that, in some cases, complaints with absolutely no prospect of success must be referred to a discipline committee, which then must conduct a review. This process results, in some cases, in the unnecessary use of resources from multiple committees.

While the society's executive is given broad rule-making powers under the *Legal Profession Act, 2017*, it is the view of the Law Society of Yukon and the Department of Justice that legislative amendments are required. This is largely because, as it currently stands, a complaint dismissal under an expanded rule would not be subject to the right of appeal under the act. This is incredibly important, because individuals should have the right of appeal.

The proposed amendments would protect the rights of a complainant to appeal a dismissal and streamline the complaints process. Under the proposed changes, a complainant would be able to lodge a complaint with the Law Society of Yukon using the same methods as are currently available. Once an investigator is assigned, they would then thoroughly investigate the complaint. Following that investigation, if the investigator came to the conclusion that there is a lack of evidence of wrongdoing, or if the misconduct is not serious enough to require disciplinary actions that are found in section 80 of the act, the investigator could dismiss the complaint without referral to the society's discipline or fitness to practice committees. If a complaint is dismissed in this way, a complainant can appeal the investigator's decision and have it reviewed by a separate, impartial committee.

Additionally, the amendments include the provision of statutory immunity from legal action of those who have acted in good faith on behalf of the society. An immunity for action taken in good faith is appropriate and necessary to protect those who carry out the Law Society of Yukon's important duties in the public interest.

Although the society currently has a rule that limits liability for those who act in good faith on its behalf, it is not contained expressly in the act. In all other jurisdictions in Canada, there are provisions in the legislation governing their legal professions that protect the regulatory body's staff and executive members from legal actions, so long as they act in good faith in the course of their duties.

Madam Chair, I am pleased to present the proposed amendments to the *Legal Profession Act, 2017*. These legislative changes are required to support the effective operation of the Law Society of Yukon processes. They protect the rights of complainants, and they ensure those who act in good faith on behalf of the society receive the same protections as their peers across Canada.

I look forward to any questions that may have arisen with respect to Bill No. 16.

**Mr. Cathers:** In rising to speak to this legislation, what I would again note, as I did at second reading, is that, unfortunately, an important question I asked both the Minister of Justice and her colleague, the Minister of Environment, in correspondence in October has yet to receive a real answer.

I would note that, as both ministers have stated publicly, they are members of the legal profession. This legislation that is being dealt with here is the act governing the legal profession.

To be clear, as I noted earlier, we are not stating that this is a conflict of interest. We are asking, however, whether the ministers have followed the instructions in their mandate letters from the Premier to "... respect the letter and spirit of the conflict of interest rules for Ministers and to actively seek, and abide by, guidance from the Conflict of Interest Commissioner."

As noted, if indeed the ministers have sought the advice of the conflicts commissioner, and if indeed the conflicts commissioner has determined that there is no problem for either minister to participate in Cabinet discussions, debate in the Legislative Assembly, or a vote, then upon seeing that

determination from the Conflict of Interest Commissioner, we would accept his determination.

Again, at the heart of this issue is the matter of public accountability. The Premier provided two of his ministers who, according to public statements, are members of the legal profession — lawyers — with instructions, as he did to all his Cabinet, saying to them, and again I will quote from the mandate letters: "You are to respect the letter and spirit of the conflict of interest rules for Ministers and to actively seek, and abide by, guidance from the Conflict of Interest Commissioner."

On October 17, I wrote to both ministers — again, I have tabled this correspondence, as well, for the record — noting that, when the act was tabled, and as I noted — quote: "This was notable because, according to your previous statements in the Yukon Legislative Assembly, you are a member of the legal profession.

"I also note your mandate letter includes the following instruction from the Premier: 'You are to respect the letter and spirit of the conflict of interest rules for Ministers and to actively seek, and abide by, guidance from the Conflict of Interest Commissioner.'

"Since the Premier has required that you actively seek guidance from the Conflict of Interest Commissioner, and since there is a potential appearance of a real or perceived conflict of interest in this situation, we believe the public deserves accountability from you. Can you please advise whether you sought advice from the Conflict Commissioner prior to being involved in Cabinet discussions pertaining to *Bill 16, Second Act to amend the Legal Profession Act 2017 (2022)*?"

"Thank you for your prompt reply."

As I noted earlier, the Minister of Justice responded with a letter. The Minister of Environment has not responded at this point in time, although he indicated some confusion about whether the letter was intended for him. I have cleared that up with a subsequent letter, as requested by that minister.

Again, I have to emphasize that the heart of this is accountability — whether ministers followed their mandate letter and whether the Conflict of Interest Commissioner said it was fine for them to participate in Cabinet discussions regarding changes to legislation that govern a profession of which they are a member. I have to emphasize to this Assembly that, if indeed the Conflict of Interest Commissioner has cleared those members to participate in advance, before they did so, we would take no issue with that determination from the Conflict of Interest Commissioner, but it is advice that the ministers, by their mandate letters, were expected to seek. Unfortunately, what we don't yet know is whether they even sought that advice.

The Minister of Justice, in her response, refused to answer the question. She said — and this was troubling, in particular, in her letter to me: "In the event that I have spoken to the Conflict of Interest Commissioner regarding this matter, that conversation is confidential."

Well, as the minister knows very well, members themselves are fully free to table and share any advice that the Conflict of Interest Commissioner has provided them with.

While the conflicts commissioner is not always in a situation where they can share advice they have provided to a member, the member themselves is always in a position where they can share any advice provided by the Conflict of Interest Commissioner.

As I noted at second reading, a perceived conflict of interest can be just as problematic for government as a real one. In government, any minister facing a potential situation like this should be the first to want to be able to demonstrate that they proactively sought guidance from the Conflict of Interest Commissioner and that the Conflict of Interest Commissioner provided them with the guidance that they are acting in accordance with, and following his advice.

So, before I move on to other questions, I will again ask the Minister of Justice and her colleague, who is also a member of the legal profession, to answer these simple questions: Did you seek the advice of the conflicts commissioner as your mandate letter requires, and prior to being involved in discussions of Bill No. 16? Secondly, if so, did the Conflict of Interest Commissioner say it was okay for you to participate in those discussions? Thirdly, Madam Chair, the question for the minister and her colleague, the Member for Riverdale North, is: If you did seek the advice of the Conflict of Interest Commissioner, since you, as a member, have the full legal right to share any such advice, will you share that with the public in the interest of accountability?

**Hon. Ms. McPhee:** Thank you, Deputy Chair. I have responded to this exact question several times during the debate on second reading. I note that the member opposite has tabled both the letter that they wrote to me and the one that I responded to with respect to this issue.

As I have said on certainly more than one occasion, if the member opposite believes that I have acted improperly, I urge him to make a complaint to the proper authorities, including the Conflict of Interest Commissioner, if that is what he so chooses.

**Mr. Cathers:** Well, Madam Chair, what the minister did do improperly is that she has not made it clear whether or not she followed the advice in her mandate letter, and she has not provided public disclosure on whether she sought the advice of the conflicts commissioner and shared what that advice is.

As I reminded the member, despite what the minister might attempt to suggest, conversations with the Conflict of Interest Commissioner, or correspondence with the conflicts commissioner, by a member are not absolutely confidential. The Conflict of Interest Commissioner is not always legally in a position to share that advice. However, the members themselves have the full legal right to share advice provided to them by the Conflict of Interest Commissioner.

I would note that, in a matter such as this, in my view, the appropriate thing for ministers to do is to follow the specific direction in their mandate letters — seek the advice of the Conflict of Interest Commissioner. Since they are dealing with legislation affecting a profession, affecting the governance of a profession — of which, according to their own public statements, they are members — one would think that ministers would be very interested in having written advice from the Conflict of Interest Commissioner, confirming that it was fine

for them to participate in discussions regarding changes to that legislation affecting a profession of which they are a member, and that, if that advice had indeed indicated that it was fine for them to participate in Cabinet discussions as well as discussions in the Assembly and vote, those ministers would be the most eager people in the entire territory to have those letters from the Conflict of Interest Commissioner become public so that they could demonstrate that they were acting in accordance with guidance from the Conflict of Interest Commissioner.

The minister has said that she responded, but she responded by saying, effectively, that it was neither my business nor the public's. Ultimately, Madam Chair, this is not a question of my view or the member's view. This is a question of public accountability and the fact that the *Conflict of Interest (Members and Ministers) Act* does not envision ministers being the ultimate decision-makers about whether a conflict occurs but, in fact, sets up an independent, respected, and repeatedly reappointed commissioner who provides advice to members on whether actions that they take are in compliance with the act. Of course, the intent of that legislation — the intent of the minister's mandate letters as well — is that members should proactively seek advice from the Conflict of Interest Commissioner and not simply deal with things after the fact when there may or may not be a problem.

So, the minister's refusal to answer those simple questions does seem to speak volumes. Madam Chair, again, I have to emphasize that, at the heart of this, is that ministers, if they are doing something that has the perception of a conflict of interest — which does include amending legislation affecting a profession of which they are a member — their very first action before being involved in those conversations should be to check with the Conflict of Interest Commissioner to ensure that the Conflict of Interest Commissioner has provided them with advice about what actions are or are not appropriate and that they act in accordance with that advice.

Any competent lawyer would recognize the possibility of this issue being raised and would be the first to want written advice from the Conflict of Interest Commissioner confirming that the actions they plan to take were, in fact, fully fine within the *Conflict of Interest (Members and Ministers) Act*. The Minister of Justice has repeatedly refused to say whether she sought the advice of the Conflict of Interest Commissioner and what advice was provided — and has refused to provide any written advice from the Conflict of Interest Commissioner. Well, we'll let people draw their own conclusions from that, but it is troubling.

So, Deputy Chair, since it's clear that the minister is going to continue to refuse to be publicly accountable — no surprise, coming from this minister, considering past matters, such as the Hidden Valley school matter — I will move on to other questions.

I would like to go off a specific question that had been brought forward by a constituent of one of my colleagues, who expressed concern with the proposed amendment to section 64(a), noting that the act now reads: "After completing investigation of a complaint about a member, the investigator

of the complaint... may, if they determine the complaint is dismissible, dismiss the complaint”.

It’s questionable why — the question we received from this individual was that the removal of the section that specifically limits it to if a complaint is dismissible does seem to be broadening the criteria or eliminating the criteria for doing so. So, I would ask the minister if she can explain what is occurring here in response to this concern that we have heard from a Yukoner.

**Hon. Ms. McPhee:** Thank you, Deputy Chair. With respect to the provision to change section 64, which is included in Bill No. 16, the change is needed in order to permit an investigator to dismiss a complaint for justifiable reasons following a thorough investigation. The need for this change was brought to the attention of the Department of Justice by the Law Society of Yukon’s leadership. We received a letter to that extent back in September. I met with them over the summer, and it was brought to our attention, as well, in earlier conversations.

The examples of a justifiable reason to dismiss a complaint, as provided by the law society, would include a lack of evidence or dismissal on the basis that the evidence does not disclose any conduct serious enough to warrant further action. The requirements in the legislation, of course, that set out what kind of conduct that is and, ultimately, that is required — I think that it is important to note for Yukoners that this will provide a process of appeal for individuals who might have a complaint brought against a member of the law society for this reason. The current regime in the law society legislation does not secure that right of appeal, and this will also include a right of appeal — a protection — for individuals who wish to bring a complaint against a member of the law society that might be dismissed at the initial state following an initial investigation by an assigned investigator. This is critical to take into account because an individual perhaps might not have provided all of the information that might be necessary to make out a complaint — certainly part of the investigation will be to determine what sort of concerns they have and what is the evidence of those concerns. For instance, in an example where that case may not have been made out to the full extent, it could be appealed and then an individual could have that process where it would be considered, again, past the stage of a dismissal, following an investigation for justifiable reasons by an investigator.

**Mr. Cathers:** So, again, the concern that we received from a constituent of one of my colleagues was regarding the appeal rights related to a complaint, and their understanding — based on looking at the changes to the legislation — was that, under this, Yukoners would no longer have the right to appeal the dismissal of a complaint at the first instance.

Is the minister indicating that this is not correct? Could she please elaborate on this area?

**Hon. Ms. McPhee:** I want to be absolutely clear about this. The changes that are proposed in Bill No. 16 do protect a right of appeal for an individual whose complaint might be dismissed following a full investigation by an investigator. That is a change from the current legislation because, under the

current rules, if a complaint were dismissed — not at this stage, but following a review by a review committee — there is no right of appeal. So, this inserts a right of appeal for an individual in the legislation if their complaint were to be dismissed following the initial investigation.

**Mr. Cathers:** First of all, Madam Chair, it has been drawn to my attention that I accidentally referred to you as “Deputy Chair”. I apologize for that mistake. I recognize that you are Chair of Committee of the Whole. Apologies for my error.

Moving back to the changes to this legislation, the minister indicated that those changes were based on the request that she had received via a letter. In the interest of disclosure, will she table that letter so that all members can see what it said and the rationale for the change being requested?

**Hon. Ms. McPhee:** I think I have been saying “Deputy Chair”, too. I apologize for that, Madam Chair.

Absolutely, I will table a copy of this letter from the Law Society of Yukon. As I have said, it follows a number of discussions with some executive members and the staff, the executive director of the Law Society of Yukon, and it clarifies the requests going forward — of the changes to both section 64(a) of the act and the inclusion of a statutory immunity clause.

There is rationale with respect to this, and I will just note the inclusion in the letter from the law society with respect to the question that was just asked about section 64(a).

It indicates — and I will quote: “Section 49(2) of the Act defines ‘dismissible’ as permitting a summary dismissal based on the nature of the allegations. In particular, a complaint is ‘dismissible’ under s. 49(2) of the Act if: it is outside the LSY’s jurisdiction (s. 49(2)(a)); it does not allege facts that, if proven, would amount to conduct unbecoming of a member, professional misconduct, or incompetence of the member (s. 49(2)(b)); it does not include enough information to initiate the processes under Part 4 of the new LPA (s. 49(2)(c)); it is frivolous, vexatious or moot (s. 49(2)(d)); or it constitutes an abuse of process (s. 49(2)(e)).

“This definition does not permit an investigator to dismiss a complaint based on a lack of evidence or on the basis that the evidence does not disclose conduct serious enough to warrant further action. Based on administrative law principles, which are constantly evolving, it would violate basic notions of fairness should an investigator be required to refer a complaint for further action when an investigation reveals no evidence of misconduct. Such an outcome would work a serious unfairness against the lawyer complained about, and undermine the LSY’s authority as keeper and interpreter of the conduct standards that apply to lawyers. The context of the LSY’s broad authority to regulate the profession and promote the rule of law is important when interpreting its authority to dispose of complaints, which must include the ability to take no further action when none is warranted.

“A simple legislative amendment can address this issue by uncoupling the criteria for dismissal from the definition of ‘dismissible’ in the Act. This could be done by striking out the reference to ‘dismissible’...” I will end my quote there. It goes



on to show how section 64 could be amended and suggests an alternative approach, but the one that we have here is, as the policy work has suggested and the change to section 64 is supported, it was actually requested by the Law Society of Yukon.

I can table that document now and I have other copies. I will give that to our page.

**Mr. Cathers:** I would just note for the Third Party that I am going to wrap up my questions so we can move on to other matters, if they wish to ask questions. I will just close with one final question — whether there are any current public complaints that might be affected by this change in legislation.

**Hon. Ms. McPhee:** I think that this is a very helpful question for Yukoners. Once, if Bill No. 16 passes this Legislative Assembly and once it is assented to, it is considered a procedural change, and it would give investigators the discretion to dismiss any active complaint if they found it appropriate to do so. It will, of course, apply as an option for investigators and those dealing with the disciplinary matters going forward. It would apply to any new complaints going forward. But with respect to active complaints, the bill does not limit the discretion only to new complaints, so it could be applied if there were active complaints, and it was an appropriate option for the investigator to choose. If this change leads to a dismissal of an existing complaint, a complainant who disagrees with that decision would, of course, as I have noted, have the right of appeal on any grounds that they chose.

**Chair:** Is there any further general debate on Bill No. 16, entitled *Second Act to amend the Legal Profession Act, 2017 (2022)*?

**Ms. White:** I thank the minister and, of course, the official who is here today.

So, understanding that this was a request that was made, can the minister walk us through a bit about the process — so, from the time the letter came, to the research that was done, to the proposed amendments to the legislation?

**Hon. Ms. McPhee:** Thank you for the question. The request for an amendment to section 64 was originally made in a letter from the law society's president back in May of 2021. I could say with some certainty that I was involved in some conversations with the law society executive when I meet with them annually — or sometimes twice a year — at minimum. Before the letter came in May of 2021, we probably had a conversation about that, or just afterward. I would have to look at some notes, but the request for an immunity provision was made during meetings in June of 2022 between the law society executives and officials from the Department of Justice. Both of these requests were followed by correspondence from the law society president, as I have noted, detailing the society's request and the justification or rationale for their request.

Further discussions continued when officials from the Department of Justice spoke with their policy team. The matters were researched, and ultimately, Bill No. 16 was drafted and presented here.

**Ms. White:** One question is, is there an appeal process for complaints that are dismissed? If it goes through the initial

look and it's decided that the complaint can't go forward, is there an appeal process for that?

**Hon. Ms. McPhee:** The changes that are proposed by Bill No. 16 in relation to the complaint process do include an entrenched right of appeal for an individual in the event that a complaint is dismissed by an investigator after a full investigation, as proposed by this section. If what is being asked about is, if a matter proceeds all the way through an appeal process under the law society disciplinary process and is ultimately determined by the disciplinary committee — or a full process, including hearing provisions and all of those that are included in the law society act — then, ultimately, an appeal of that decision would be by judicial refutation in the courts.

**Ms. White:** I appreciate the minister's answer, but when the initial briefing and initial conversations happened, and we were made to understand that the society could investigate and then dismiss a complaint before it went through this process, I guess I am asking if there are any steps along the way, when a complaint is dismissed, that it could be appealed? The minister just used an example if it went through the full process, but if it's dismissed ahead of that entire process, is there a way for a complainant to appeal the decision?

**Hon. Ms. McPhee:** Yes — I will say it this way: Following the passing of Bill No. 16, should a complaint be dismissed — a complaint brought by a complainant be dismissed by an investigator, following an initial investigation — and a determination was made to not proceed, that, in fact, the complaint should be dismissed — the complainant can appeal that decision — absolutely.

**Ms. White:** What does that appeal process look like?

**Hon. Ms. McPhee:** I appreciate the question, I should say. The process for that appeal is set out in section 65 of the *Legal Profession Act, 2017*. I will paraphrase, but it indicates that a person who chooses may appeal in writing from a dismissal, and they make that written complaint to the Complaint Dismissal Review Committee, a panel would be convened under section 3 of that section — and the Complaint Dismissal Review Committee must convene a panel of three of its members — one of whom is not a member of the law society — to hear and dispose of the appeal, and then it sets out a number of ways in which that Complaint Dismissal Review Committee can deal with the appeal.

**Ms. White:** So, just to build on that, then. So, the appeal process follows with — or it exists in the act — so, what we are amending is section 64, but section 65, which we're not touching, stands. So, I was just looking for clarification, and the minister nodded, so that's the end of my question.

**Hon. Ms. McPhee:** Sorry, I should put on the record that the member opposite is correct that we are amending some wording in section 64(a) by virtue of Bill No. 16, but, of course, the remaining sections, but for those mentioned, are not changing, and the appeal process that is set out — and has been since 2020, when this bill was assented to — in section 65 remains.

**Chair:** Is there any further general debate on Bill No. 16, entitled *Second Act to amend the Legal Profession Act, 2017 (2022)*?

Seeing none, we will now proceed with clause-by-clause debate

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Title*

*Title agreed to*

**Hon. Ms. McPhee:** I move that you report Bill No. 16, entitled *Second Act to amend the Legal Profession Act, 2017 (2022)*, without amendment.

**Chair:** It has been moved by the Member for Riverdale South that the Chair report Bill No. 16, entitled *Second Act to amend the Legal Profession Act, 2017 (2022)*, without amendment.

*Motion agreed to*

**Chair:** The matter now before the Committee is continuing 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 10 minutes.

*Recess*

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

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

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

Is there any general debate?

**Hon. Mr. Clarke:** I will just let my officials take their seats. To my left, I will welcome again chief veterinary officer, Mary Vanderkop, and on my right, from the Agriculture branch, Director Kirk Price.

We left off speaking about warrants. I will provide an overview. I will probably have some more comments, but I believe my time is somewhat limited right now.

It is my pleasure to speak again today to Bill No. 20, entitled *Animal Protection and Control Act*, before Committee of the Whole. As I have relayed a few times, this modernized statute will provide a comprehensive, enforceable legal framework for managing all aspects of animal control in the Yukon. We are looking to address critical safety concerns for both Yukoners and Yukon animals. This is reflected clearly in the provisions regarding application for a warrant, and those extreme cases where it is crucial that a member of the RCMP enters a dwelling without a warrant.

We are not talking about providing authorities for an officer to enter a dwelling because the neighbour's dog is barking. We are talking about severe situations where an animal is in severe distress. Let me give you some examples. One example is, if an officer is asked to investigate a complaint that someone in a remote location has dozens of cats that are starving in their home. The officer arrives at the home and observes bodies of animals in the yard, but cannot make phone contact to obtain a warrant, and needs to enter the home to intervene on behalf of animals that are likely to be in severe distress.

Another example is an officer investigating reports of dog fighting that is taking place in a remote location. The officer arrives to see many vehicles in the yard, hears noise that could be interpreted as dog fighting, and needs to enter the premises without delay to protect the animals and to gather evidence that they expect would be destroyed if there were a delay.

Like I said, this is about safety — safety for both Yukoners and Yukon animals. So, to reiterate, we are not taking this lightly; neither does this bill before us today.

I look forward to further debate on this matter.

**Mr. Cathers:** I am not going to spend a lot more time today on the issue of the standard that the government is proposing changing, to allow entry to someone's house without a warrant. I spent a fair bit of time on that, outlining and explaining what the existing legislation says compared to what the government is proposing, in previous debates. As the minister well knows, no matter how they may wish to try to spin it otherwise, this government is proposing lowering the threshold for entering a home without a warrant to a level lower than it has ever been under any Yukon legislation. It is changing from the existing standard, as I have pointed out before, where such action under the child protection act — or child protection laws, I should say — is authorized if a child is in immediate danger — "immediate danger" is the standard there. In the current *Animal Protection Act*, the standard is "in distress".

In legislation from other jurisdictions, which the minister made reference to, we heard other quotes, such as "critical distress", and references to the "injury or death of an animal being imminent". The standard is very different, Madam Chair, and the minister knows it.

I would also urge him to set aside the question of partisanship here, and partisan debates, here in the House and recognize that, even if he doesn't like the messenger, the reality is that Yukoners are concerned about this provision and feel that it is lowering the bar to an unacceptable level to allow entry into someone's home without a warrant in situations that are non-urgent, because as I noted, the standard contained in the government's legislation is not regarding — it does not set a standard of urgency. It lowers the threshold to just enforcing a standard of care, and that is problematic, but I want to move on to other issues, because there are many with this legislation.

The first overarching one is the lack of consultation with people who are affected by this act. The *Animal Protection and Control Act* — what is currently in place versus what the government is doing — the legislation is being dramatically expanded from a current protection act of roughly 14 pages to

the over tripling in size of this legislation, going from, in the previous act, less than a page of regulatory-making powers to four pages' worth under the legislation the minister has tabled.

The minister, so far, has been very, very dismissive of the concerns by stakeholders who have written to him, and I am going to start with referencing a few of those letters, just for those who are listening and following along with this debate. They have not seen the specific details that are brought forward by concerned stakeholders. There are several here; let's see which one I'll start with here.

I am going to start, first of all, by referencing the letter sent by the Association of Yukon Communities, expressing concerns and noting that these proposed changes appear likely to have an impact on both our incorporated and unincorporated communities: "I note that the Association of Yukon Communities was not notified prior to the tabling of this legislation. We recognize that communities were engaged in September 2018, with a possible 2<sup>nd</sup> phase of engagement taking place in Spring/Summer of 2019; however, since that time there does not appear to have been any further consultation or meaningful outreach with regards to the substantive elements of the bill and whether they are still appropriate several years after the engagement took place. There have been unprecedented events since engagement occurred in 2019, and we feel that it is pertinent to review and assess how what was heard then may impact things now. These changes may well have significant effect on the expectations and financial operations of municipal governments..."

Again, that is a quote from a letter sent to the minister regarding this very piece of legislation from the Association of Yukon Communities. A question also that my colleague the Member for Watson Lake noted in reviewing the "what we heard" report and the government's statements to date is: Where was the consultation with Watson Lake, with the Liard First Nation, and the communities near Watson Lake? Can the minister point to anything that has occurred regarding that community or either of those governments?

**Hon. Mr. Clarke:** I will get to the consultation. I'm sure that we'll have time for that, and I know there's a pitfall here that it will just be someone getting the last word. I get it, and I don't necessarily want to go there. However, the Member for Lake Laberge has left it with: we are lowering the threshold on warrantless searches. So, I know that may mean that, once again, someone will have to get the last word on this conversation, but in any event, I think for the record, for those listening at home, and for those reading Hansard later, they do have to understand — I will provide my guidance with respect to the warrantless searches, as provided for in the new act, and we'll go from there.

So, to take it directly from the bill, section 13, which unfortunately, I don't believe either the Member for Lake Laberge or I discussed section 13 of the new proposed act very much yesterday, but — and I quote:

"(1) An animal protection and control officer may apply to a justice for a warrant to enter a place, including a dwelling... — house — "... if the officer believes, on reasonable grounds  
 "(a) that there is an animal in severe distress in the place

"(i) with respect to which the standard of care is not being met, or

"(ii) that is not being provided with an adequate quality of life; or

"(b) that there is any thing in the place that will afford evidence that an offence under this Act has been or is being committed."

13(2) states: "If a justice is satisfied that an animal protection and control officer has reasonable grounds to believe that the circumstances described in paragraph (1)(a) exist, the justice may issue a warrant..."

So, just to go back, paragraph (1)(a) says that there is an animal in severe distress in the place. So, one, an animal protection and control officer may apply to a justice for a warrant to enter a place, including a dwelling, house, if the officer believes on reasonable grounds, (a) that there is an animal in severe distress in the place.

So, the threshold has not been dropped — or lowered. It is absolutely consistent with the former Minister of Energy, Mines and Resources, the current Member for Lake Laberge, in his legislation, which he supported in 2008.

"(2) If a justice is satisfied that an animal protection and control officer has reasonable grounds to believe that the circumstances described in paragraph (1)(a) exist, the justice may issue a warrant

"(a) authorizing the officer to enter the place specified in the warrant for the purpose of taking any action authorized by this Act to ensure the standard of care is met with respect to that animal or to provide that animal with an adequate quality of life; and

"(b) requiring a person in the place to produce any animal located in that place to the officer for examination.

"(3) If a justice is satisfied that an animal protection and control officer who has made an application under paragraph (1)(b) has reasonable grounds to believe that an offence under this Act has been committed, the justice may issue a warrant authorizing the officer to enter the place specified in the warrant for the purpose of searching for, and seizing, any thing that will afford evidence of an offence under this Act.

"(4) If an animal protection and control officer believes that it would be impracticable to appear personally before a justice to apply for a warrant, the warrant may be issued on an information submitted by telephone or other means of telecommunication in the manner provided for under section 487.1 of the *Criminal Code* (Canada) with such modifications as the circumstances require.

"(5) An application for a warrant under this section may be made without notice to any person.

"(6) For greater certainty, a justice may issue a warrant for either, or both, of the purposes referred to in paragraphs (2)(a) and (b).

"(7) A warrant issued under this section is subject to any conditions specified in the warrant.

"(8) An animal protection and control officer may use whatever reasonable force is necessary to execute ... any authority given by section 14."

So, here is where the rubber hits the road. Section 14 goes further to provide entry without a warrant, but only under the circumstances I've just highlighted, including (1)(a), which sets out "severe distress".

The precondition to meeting the terms to obtain a warrant is the severe distress, which is exactly the same as in the *Animal Protection Act*. I will get back to the former minister's act.

With this, Madam Chair, it leaves no doubt as to when an officer may enter a building. Again, I will repeat that this bill is largely about safety — safety for animals and safety for Yukoners. We are talking about taking actions when animals are faced with dangerous conditions, are being maltreated, or worse.

The member opposite has spoken about the *Animal Health Act*. To address what may be some confusion or misunderstanding between the bill before us today, the *Animal Protection and Control Act*, and the *Animal Health Act*, which was passed in 2013, I would like to provide the following: The *Animal Health Act* puts in place a science-based, operationally focused regime that supports rapid response by government to threats such as avian influenza, African swine fever, and new diseases such as SARS-CoV-2.

The *Animal Health Act* applies not just to disease, but to all hazard. It is not just in live animals, but dead ones too. It clearly sets out the role of the government's chief veterinary officer. In addition, the *Animal Health Act* prescribes how and when information is to be shared with affected individuals. Much like the *Animal Protection and Control Act*, the *Animal Health Act* is shared legislation between Environment and Energy, Mines and Resources. Differences do exist between them, including that the *Animal Health Act* applies not just to domestic animals, but to wildlife. It empowers the Government of Yukon to respond to the full range of animal health risks in order to protect domestic animals and wildlife. It supports local food security and helps safeguard public health.

The *Animal Health Act* provides modern tools for dealing with hazards. These include being able to establish a control area, a surveillance area, and a quarantine area. It clarifies the authority of the chief veterinary officer, enables compensation for losses, includes appeal processes, establishes criteria for sharing of information, and offers penalty options that are flexible and reasonable.

In the lead-up to the enactment of the *Animal Health Act* in 2013, animal health had become increasingly important due to several high-profile disease outbreaks in animals that also provided threat to human health. For example, mad cow disease, chronic wasting disease, West Nile virus, and avian influenza.

The animal health program was established in 2009 to ensure that government had the means to respond effectively to animal health issues in order to minimize harm to people, the economy, and the environment. In 2010, a new chief veterinary officer position was established and staffed. She immediately undertook an expert review of animal health legislation in comparable jurisdictions and identified Yukon's regulatory gaps. Engagement with the public and First Nations on the

*Animal Health Act* occurred in the spring of 2013. During the review, the department consulted on a number of key issues.

I will return to the *Animal Health Act*, but suffice to say that the *Animal Health Act* — I have more detail about the great work that can be done under the *Animal Health Act*. But the issues have been comingled by the Member for Lake Laberge when he discussed the fact that warrantless searches weren't implemented for the *Animal Health Act* of 2013. That's not what we are talking about. We are talking about the *Animal Protection Act*, which is the act from 2008 and which was supported and brought forward by the then-minister, the current Member for Lake Laberge. That has, in fact, basically the same language as the proposed *Animal Protection and Control Act*.

Section 4.1(1) of the *Animal Protection Act*: "If an animal protection officer believes, on reasonable grounds (a) that there is an animal in distress in any premises, vehicle, aircraft or vessel; or (b) that an offence under this Act has been committed and that there is in any premises, vehicle, aircraft or vessel, any thing that will afford evidence of that offence, the officer may apply to a justice for a warrant to enter the premises, vehicle, aircraft or vessel for the purposes of (c) determining whether any action authorized by this Act should be taken to relieve the animal's distress; or (d) searching for, and seizing, any thing that will afford evidence of an offence under this Act.

"(2) If the justice is satisfied that the animal protection officer has reasonable grounds under paragraph (1)(a), the justice may issue a warrant (a) authorizing the officer to enter the premises, vehicle, aircraft or vessel specified in the warrant for the purpose of taking any action authorized by this Act to relieve the animal's distress; and (b) requiring a person in the premises, vehicle, aircraft or vessel to produce any animal there located to the officer for examination.

"(3) If the justice is satisfied that the animal protection officer has reasonable grounds under paragraph (1)(b), the justice may issue a warrant authorizing the officer to enter the premises, vehicle, aircraft or vessel specified in the warrant for the purpose of searching for, and seizing, a thing that will afford evidence of an offence..." — and it goes on. But now, it is really the same as the proposed *Animal Protection and Control Act*.

So, section 4.2 of the *Animal Protection and Control Act* says: Entry without a warrant by the RCMP — "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, it is "exigent circumstances", but there are conditions for obtaining a warrant, which are the same as the *Animal Protection and Control Act*, and that language in section 4.1 is: "If an animal protection officer believes, on reasonable grounds, (a) that there is an animal in distress in any premises, vehicle, aircraft or vessel..."

It is the same. Actually, it has been buttressed somewhat in the *Animal Protection and Control Act* because it says "severe distress". So, it is the entire analysis for the *Animal Protection and Control Act*. It is 4.2, going back to 4.1; in the proposed

*Animal Protection and Control Act*, it is section 14 and then going back to section 13.

But, in any event, the assertion that the member opposite from Lake Laberge has made on a number of occasions, starting with his second reading speech and moving into Committee of the Whole, is that the threshold for taking action with a warrantless search — that the threshold has been lowered to the lowest level. He didn't say "imaginable", but to the lowest level ever, and he knows it. Well, I don't know. I am reviewing this legislation, receiving advice, and having a look at the relevant sections myself, and I fail to see how the bar has been lowered in any meaningful way so that the threshold now, in the new, modern *Animal Protection and Control Act*, has lowered the standard for warrantless searches. It has not, in fact, been lowered at all.

I am uncertain as to what I am intended to know about that lowering of a threshold, allowing for the rescue, really, of animals that find themselves in emergency situations or exigent circumstances. It is exigent in the *Animal Protection and Control Act*. It is exigent in the *Animal Protection Act* — the former Minister of Energy, Mines and Resources' legislation. It is "severe distress" in the *Animal Protection and Control Act*. It is "distress" in the *Animal Protection Act*. So, I don't know what I am supposed to know about this demonstrable lowering of an evidentiary threshold or that it is now some sort of overreach. That's news to me.

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

**Chair:** Two minutes.

**Mr. Cathers:** The minister is no longer standing, so I rose to speak.

### Chair's statement

**Chair:** Order. The Member for Riverdale North has two minutes left in his response.

**Hon. Mr. Clarke:** I take the member opposite's point — the senior Member of the Legislative Assembly — and I certainly have learned something today, so I will take my seat.

**Mr. Cathers:** We know that the government did not consult on this legislation in the detail that the stakeholders wanted to see. We know that they have heard from upset stakeholders about it. They are asking this Legislative Assembly to pass the legislation and be satisfied with a promise that they will consult on the regulations, but I would point out that the minister, in standing to speak this afternoon, just broke a promise that he and his colleagues made after discussions between all three parties in February when members agreed that, after the first 20-minute speech during Committee of the Whole, responses and statements by ministers should be limited to eight minutes. The members promised that they would voluntarily follow that until those changes were made in the Standing Orders. That was a commitment from this minister and his colleagues.

The minister stood here today and broke that promise. He stood yesterday and broke that promise. Why would Yukoners believe the promise that he is making regarding regulations?

The minister has gone on and on and on about the issue of the standard for entering without a warrant. The minister can continue arguing that black is white all he wishes and dismissing any criticism as fake news — those aren't his exact words, but it is effectively the same as people calling it "fake news".

I believe I meant to mention this earlier but didn't. Correspondence that was sent to his colleague, the Minister of Energy, Mines and Resources, in response to political finger-pointing by that member — when his constituent said that this is your time to make things better, rather than keep bad practices or extend them. Madam Chair, the facts are the facts. The minister can continue to call it fake news as much as he wishes, but the facts are the facts.

We are talking about one that, in his rather long recitation where he desperately got every briefing note that someone would hand to him to burn up 20 minutes of time here in this Assembly and filibuster his own legislation — among the questions that I specifically mentioned was the issue of communities not being consulted. We have heard from the Association of Yukon Communities that they want consultation on the legislation with municipalities and local advisory councils. The minister told them, effectively, in his response to pound sand.

We have heard, as well, from the Yukon Outfitters Association. They were disappointed that they were not consulted on the details of this legislation. They mentioned that they have unique needs, as well as describe the importance of horses and dogs to their businesses.

I also note, as well, that the Yukon Dog Mushers Association wrote a very strongly worded letter to this minister, which he also just dismissed disrespectfully. I want to quote from it. It has been tabled in this Assembly: "The YDMA..." — and YDMA, of course, is the Yukon Dog Mushers Association — "... as well as most attending the meeting expressed strong opposition to most of what was presented. Later in the year the Yukon Government put forward a survey to the general public which was in the form of numerous 'multiple choice' questions. This flawed survey resulted in the attached 'APC what we heard report' which was produced shortly there after. Needless to say, the meetings which took place on burns road had little to no bearing in the subsequent report, however the clearly flawed and agenda driven survey that followed was sure to glean what was needed in order to produce the biased report. We have heard nothing from government since on this issue.

"At this point, it is alarming that the government did nothing to address our concerns which were tabled at this meeting. Although the government was able to say that they consulted with stakeholders their views were totally ignored in the subsequent 'what we heard' report."

That's the take from one stakeholder representing Yukon dog mushers who are passionate about the animals they love. They say that the survey was biased, they said that the government ignored their input, and they asked the minister to pause the legislation and to "Please consult in a fair and

transparent manner with the stakeholders before proceeding any further with this.”

Let’s circle back to orders of government. We know that municipalities asked to be consulted on this legislation.

We know, as well, that some First Nations were not consulted and there were not meetings in individual areas, as I mentioned when bringing forward the concerns of my colleague, the Member for Watson Lake. I would note, as well, quoting from what the minister himself said on October 25 in Hansard on page 2388 — the minister said this: “With respect to the First Nation engagement, I have the indication of where the First Nations stood with respect to the engagement and consultation in 2019, and there is a summary of that. I think, to the points I made previously, we view that it is not likely that those positions have changed, but the discussions are ongoing.”

Wow. Madam Chair, the minister has decided that First Nations have the same views as they did in 2019. He has decided that municipalities have the same view. We know, in the case of municipalities, that they have said otherwise. In both cases, they are duly elected orders of government. There has been turnover on the respective councils of probably every First Nation and municipality in the entire territory since 2019. I don’t profess to know what concerns were raised in municipal or First Nation elections or what any candidate ran on, but it is entirely conceivable that candidates in either municipal or First Nation governments could have been elected in part on responding to concerns from people in their community related to matters that would be affected by animal protection legislation. I don’t know that, but neither does the minister. The importance is that, when the people — whether it’s a First Nation government or a municipality — choose to elect new representatives, those new elected representatives may, on behalf of the people they represent, have different views than the councils that preceded them. Yet the minister is refusing the explicit request of the Association of Yukon Communities for consultation with municipalities and local advisory councils. I would add to that, as well, that First Nations have also had turnover — a number of them — in chief and council positions — or in some of those positions — and for the minister to simply assume that their views are the same as they were back in 2019 is not well-founded, nor is it appropriate.

Madam Chair, the question comes down to this: Where is the urgency for this legislation? The minister doesn’t want to lose face. That’s all this comes down to — his refusal to consult with stakeholders again. So, I would ask him: Has he read those letters from stakeholders asking for more consultation, and is he willing to reconsider his previous position, press the pause button on this legislation, and consult with stakeholders, including First Nations, municipalities, and stakeholder organizations, including and especially the ones that said that this government didn’t listen to them before?

**Hon. Mr. Clarke:** I can answer in the affirmative to at least one of the member opposite’s questions, which is, yes, of course we are going to engage and re-engage. At the time, there were invites to every First Nation and community. This was the list that I provided a few times in Committee of the Whole and

at second reading — who responded and was interested in having an event in their community.

I personally have no issue whatsoever with losing face with respect to this legislation. This is modern, progressive legislation. The consultation was thorough. The member opposite will well know from his time in government that it is never a perfect process. I have gone through the record of engagement for the *Animal Protection and Control Act* at some length. I can do it again. I can also advise that the department has responded almost immediately to the Yukon Outfitters Association, the Wilderness Tourism Association of the Yukon, the Yukon Dog Mushers Association, the Association of Yukon Communities, and Growers of Organic Food Yukon, and I have filed a number of those responses today.

The Association of Yukon Communities — their request is, we kindly requested that the Association of Yukon Communities be further consulted before implementing these legislative changes. So, we are — because legislative changes are when the — well, it’s the two-stage process. There will be the targeted consultation, and of course, as the member opposite will remember, I’m sure, that this is the rough timeline as to how legislation is drafted with respect to the community visits, the consultations, the community feedback, the survey, the follow-ups, and then the beginning of generating policy, and the legislation being drafted.

Did COVID throw a slight wrench in the works with respect to some of the, certainly, in-person follow-up? Yes, of course, it did, and as well, this is the normal progress of legislation with respect to policy development and the drafting of legislation. We will obviously get this right. The Department of Environment and the Department of Energy, Mines and Resources have absolutely zero interest in discounting any perspectives whatsoever.

With respect to the Association of Yukon Communities, we responded almost immediately to Ted Laking, President of the Association of Yukon Communities. I’ll provide some of the background in our response. 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 concerns for public safety from roaming dogs, and the need for methods to better control feral animal populations. There have also been demands to ensure that working dogs and horses are cared for throughout their lives.

The new proposed APCA 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* also provides a framework to close the current legislative gaps concerning the ownership of exotic animals, expands our tools to enforce animal control in remote communities, and regulates 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 environment. We acknowledge

the challenges faced by Yukon communities, both incorporated and unincorporated, as a result of the pandemic and events outside of anyone's control, including flooding, landslides and wildfire.

We appreciate the efforts required for communities to recover and thrive, especially in the face of rising inflation. We support the growth of local businesses and the attractions the communities provide for Yukon tourism. We believe that the proposed act will provide options that will improve local responses to issues with animal control and contribute to safer communities. We assure you that we will engage with the Association of Yukon Communities, as well as with individual local governments, to provide input to the legislation.

The details of this legislation will come forward in regulations that are yet to be drafted. This means the act will not come into force until the regulations are completed and approved. There will be ongoing engagement with stakeholders to work on the details of these regulations. This will include adopting national codes of practice for animal care and welfare, and potential partnerships to undertake enforcement in communities, as well as options for local response.

Mr. Laking, even in his letter — and the Member for Lake Laberge fairly pointed out as well — did recognize that communities were engaged in September 2018, with a possible second phase of engagement taking place in the spring/summer of 2019. Then, in fairness, he does indicate that there ought to have been further consultation or meaningful outreach. Fair enough, but that is the legislative process. We want to hear from Yukon communities.

I would just emphasize, once again, that there is some urgency with respect to this legislation. The chief veterinary officer has advised from her shop, as well, that they receive many phone calls in any given week with respect to the control of dogs, that this legislation is long overdue, that we look forward to the fusion of the *Dog Act*, the *Pounds Act* and the *Animal Protection Act*, which is overdue.

Is consultation ever perfect? No, it's not, but this was a thorough consultation over many months with follow-up. We received a great deal of feedback. Will both the Department of Environment and the Department of Energy, Mines and Resources redouble their efforts, going forward, to ensure that all voices are heard with respect to the drafting of the regulations? Absolutely.

**Mr. Cathers:** I would just note here that, again, the member dodged the questions, and I noted the fact that I am quoting what stakeholders said to the minister. As I reminded him, the Association of Yukon Communities said that they wanted consultation on the legislation. They expressed concern about financial implications. The Yukon Dog Musers Association used very strong language regarding their concerns that the survey itself was flawed. They said that government ignored their input previously. They referred to the report as biased and expressed concern about lack of consultation with stakeholders.

The minister also admitted that they missed consulting with the outfitters. The minister noted, in response to questions from my colleague the Member for Kluane, the minister noted,

regarding this issue, and said: "Whether there has been actual consultation specifically with respect to the *Animal Protection and Control Act* — it seems that there may not have been specific engagement..." That is found in Hansard, October 25, page 2392, on the left-hand side, for the ease of those referring to it.

I would just note, as well, that the minister then, in some of his remarks where he has desperately tried to defend the decision to ignore the requests, both those that are strongly concerned from organizations and those that are made very politely to him, to stop and consult on the legislation. The minister told us on October 25 that — and I quote: "That is contrasted — I did a bit of research. One of the times that there was an act to amend the *Animal Protection Act* was in 2008. At that time, consultation occurred in the spring of 2008 for the fall of 2008.

"It was more approximate, but my understanding is that the consultation was less rigorous, and we will certainly get into that, perhaps, at future dates." That is page 2389 of Hansard, October 25.

It seems that the minister has spent more time researching the 2008 consultation process than actually meeting with stakeholders who have expressed concern about his own legislation. That is problematic, when you have a minister, when you have a government, who is more focused on partisan games and partisan shots, and trying to create their own spin and narrative regarding events from 14 years ago, rather than listening to Yukoners here today and recognizing that the letters that they have in front of them are not, as the Minister of Energy, Mines and Resources suggested, because we reached out to these people; they are because the people, after they looked at the legislation, had concerns and wanted to be consulted.

Let me quote from correspondence from the Growers of Organic Food Yukon to the minister. They wrote the minister a very polite letter — or I should say, e-mail — saying, in part, this: "GoOFY has recently become aware ..." — I should note, Madam Chair, for those unfamiliar with it, that "GOOFY" is the acronym that they use for Growers of Organic Food Yukon — "... that the new *Animal Protection and Control Act* is on the legislative assembly's agenda for this session. As many of our members are livestock farmers, this is naturally of great interest to us. Unfortunately, we have only recently become aware of the draft legislation and have not had an opportunity to study it in detail, to form a position on it, and to offer constructive suggestions for its improvement. Therefore, we respectfully request that debate on the legislation be halted for a reasonable period of time to allow us to review it thoroughly. The proposed act could have a major impact on our farmer members as well as many other owners of pets and livestock and I believe a go-slow-and-careful approach at this time will make for a better Act in the long run."

Madam Chair, that is what the Growers of Organic Food — one of the key stakeholder associations dealing with livestock — said. Anyone looking at that can see that the letter sent by that organization was neither partisan nor political in nature. They are people whose lives are affected by this

legislation, and they sent the minister a very polite request for the government to — pardon me, I will read the full request from their sentence. They said — and I quote: “Therefore, we respectfully request that debate on the legislation be halted for a reasonable period of time to allow us to review it thoroughly.”

Now, the minister and his colleagues, for some reason, have chosen to dismiss requests like that. They have chosen to dismiss the strong concerns that the Yukon Dog Musers Association expressed about their view that the government didn’t listen to them the first time they were consulted, and the minister himself admitted that they forgot to consult with the Yukon outfitters. That is a pretty big little “oopsie”, Madam Chair, when you are talking about people whose lives are affected by this legislation.

I would remind the minister that it would certainly not be unprecedented in any way, shape, or form for government to choose to consult with people on legislation and hear their input on the details. And, in fact, since this is legislation, unlike much that government brings forward, this legislation affects the lives of Yukoners across this territory. The minister has relied heavily on referring to their survey, while ignoring the fact that they didn’t go to every community to consult with people and ignoring the concerns expressed by stakeholder groups. He is also ignoring what we know the Yukon Bureau of Statistics itself says about the problem with the methodology of using an online open survey. They have indicated, in information that they have shared previously, that the pros include a short turnaround time and require less resources, but the cons include a high self-selection bias, response abuse cannot be fully assessed and dealt with, and results are not representative.

That is from the Yukon Bureau of Statistics, not my own words. They have acknowledged the problem that these surveys are not representative and that there is response abuse, contrary to what the ministers like to indicate, where people can, if they use different devices, fill out a survey multiple times.

Setting aside the methodology for a moment, there is also the fundamental problem that, when a survey asks everyone to comment on issues, some people are more familiar with them, some are less familiar with them, so there ends up being a situation where the people whose lives are most affected by a specific question may be outnumbered by people who are not very familiar with the question or the issue, but had to check a box so that they could move on to the next page of the survey. Sometimes people, much like in answering polling questions, may simply choose the result that seems closest to their views, not to mention the fact that they do so without having had the opportunity to hear the input and the views of people who are directly affected by the legislation. Hearing those people’s views could very easily — as it often has in public meetings in my experience — have the impact of changing someone’s mind, when they understood how one of their neighbours saw an issue and what their concerns were. They changed their viewpoint, based on that information, but they hadn’t had that information while filling out the survey.

Again, there is a growing list of groups complaining about this and asking for public consultation. It is a simple question for the minister: Why is he so resistant to listening to those

requests, pressing the pause button, and consulting with the people who are asking — in some cases, pleading — for consultation? Give those people the opportunity to be consulted on the draft legislation before proceeding. Why is the minister resisting that call?

**Hon. Mr. Clarke:** By way of update for the House, GOOFY were part of the Agriculture Industry Advisory Committee and Sub-Committee on Livestock providing input in the fall of 2019 and into 2020. That’s the information I have. We have an ongoing engagement with GOOFY, and we will consult with them on the regulations.

With respect to the online survey, I did answer this question over the course of the last few days, but the Bureau of Statistics may have expressed some concerns, but they were the organization that EMR went to, to craft the survey. They certainly have, in my view, a high degree of credibility. The limitations of the online survey were offset by the variety of consultation methods that were used, including in-person meetings in communities and with special interest groups who were willing to participate.

The community meetings had a significant impact of both sharing views and ensuring that all who wished to be involved could be consulted. In addition to there having been engagement with GOOFY in 2019 and 2020, we have — with all the interested stakeholders, we have responded quickly and in the affirmative that the Department of Environment and the Department of Energy, Mines and Resources Agriculture branch will be engaging with the stakeholders.

We responded, in part, as follows: “The Yukon’s current animal protection and control legislation is outdated. The new proposed APCA 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. It will provide for a suite of tools to manage uncontrolled and feral animals, including high-risk livestock, it will improve animal welfare and control standards, it will regulate animal-related business (pet stores, animal rescues and boarding facilities), and clarify enforcement roles and responsibilities regarding the management of animals under our care.

“We want to recognize the contribution the agriculture sector made during consultation in fall 2019 that informed the proposed Act, particularly the subcommittee on livestock control and welfare that was formed by the Agriculture Industry Advisory Committee. This subcommittee made valuable recommendations that were used to inform development of the legislation. In addition to the subcommittee, the Agriculture Industry Advisory Committee also provided input on the proposed Act at its regular meetings with Government of Yukon through to late 2020. These conversations with industry leaders have supported the proposed scope of the legislation to be outcome-based or prescriptive when required, such as for the containment of Eurasian boar. We have also heard support for the national codes of practice. The agriculture industry in the Yukon, as you have similarly stated, has been confident that their operations meet and exceed these codes, and they take pride in how farming is done in the Yukon.



“The new Act includes a list of livestock species to be defined in regulations, the adoption of a National Farm Animal Care Codes of Practice, an expansion of animal welfare enforcement powers for Energy, Mines and Resources, and further clarity on how the departments of Environment and Energy, Mines and Resources coordinate on enforcement. It will also enable the development of regulations around fencing for high-risk animals such as the Eurasian boar and provide for education and enforcement to manage a range of situations that may arise to ensure proper outcomes for livestock health and welfare and control are met.

“The proposed Animal Protection and Control Act will not come into effect until regulations are developed and approved, and the agriculture sector and other key stakeholders will be part of this work. Regulation development will involve more consultation with GoOFY and the agriculture sector jointly by the departments of Environment and Energy, Mines and Resources. We remain committed to ensuring growth of agriculture and to engaging your membership as required as regulations are developed.

“Thank you again for your interest and we appreciate that you have reached out. Staff from the Agriculture Branch... or from the office of the Chief Veterinary Officer in the Animal Health Unit... will be in contact with you to answer your questions.”

So, this is a bit of a chicken-and-egg proposition. Now, not a good reference — but a chicken-and-egg proposition with respect to the Member for Lake Laberge. I grant you that there were likely going to be concerns, and there were likely going to be questions for additional targeted consultation and a follow-up to ensure the regulations were crafted in the best way possible to have the best act and the best regulations possible for all Yukoners, including these persons.

However, there is a bit of an element — the member opposite exhorts me, at the beginning of his most recent comments, to not engage in partisan shots and to live 14 years ago. That’s fine. That’s fine.

If the Member for Lake Laberge hadn’t opened up the can of worms by asserting that somehow there was now significant current government overreach with respect to warrantless searches — respectfully, if he had not opened that can of worms, what reason would we necessarily have had to take a trip down memory lane 14 years ago?

The problem now with respect to his assertions on the concerns expressed is that it is muddled by the fact that the Member for Lake Laberge, obviously, in his second reading address and comments in Committee of the Whole has been pretty forceful about saying that the threshold for warrantless searches of residences has gone to — I’m exaggerating — an unimaginably low level, but certainly lower than under the *Animal Protection Act*. In consequence of that, it is certainly foreseeable that he has been able to generate some elements of the concerns that are raised based on the fact that now — and we will disagree, but, in my view, exactly the same legislation has been inserted into the proposed *Animal Protection and Control Act* that was in the *Animal Protection Act* that was

obviously used with great discretion, and there are likely zero or very few instances.

But he poked the bear a week or 10 days ago because that would be an element of this legislation — that one could make the case involved overreach and that the overreach should be addressed and that maybe you should look back and reconsider. So, he says: Don’t engage in partisan shots from 2008. Well, he made the speeches. He made a very similar speech to what I have made recently. He chooses a different presentation, slightly different word choices, but the message was the same with respect to the fact that, if you had to, this power of the RCMP would be used only in the most extraordinary circumstances — exigent circumstances — and that, if it were abused, there would be disciplinary matters, it could be reviewed, and an officer could find himself or herself in some sort of disciplinary concerns.

I may not have said it quite that way, but that is generally the correct message. So, let’s take the time to time travel — the hot tub time machine, the travel machine here — and we end up in 2022, and it is the same thing. But the Member for Lake Laberge asserts that somehow, we have inserted something in this legislation that creates the perception of overreach and the perception of powers that are likely, or could be used, with unwanted frequency. That is — it is not. It is status quo. It is exactly now as it was then.

We talked about “distress” versus “severe distress”. So, I agree with the Member for Lake Laberge that it is incumbent upon the Department of Environment and the Department of Energy, Mines and Resources to keep going with their good work. They have already done fantastic work. They have spoken to many Yukoners, and they will continue to speak to many Yukoners. I am not prejudging anything with respect to these regulations. This is exciting, modern legislation. We want to move forward. We want to protect all Yukoners. We have heard from many Yukoners, and we want to move forward.

**Mr. Cathers:** Wow. That was quite the speech by the minister. Again, he failed to keep the commitment that he promised to members — that they would keep speeches to eight minutes in Committee of the Whole after the introductory remarks. So, again, the minister — while asking this House to take him at his word regarding a commitment on regulations — is breaking his word to other members regarding the length of time that he is speaking in Committee of the Whole.

Madam Chair, the minister ignored everything that I had just finished asking him about and is continuing to flail away on trying to parse the legislation, to claim that they are not lowering the bar on warrantless entry. We have established what the facts are. The minister is going to continue to deny it, and if he spent half the time taking partisan shots and researching events from 14 years ago and trying to parse them in some way to sling mud at members on this side — if he spent half that amount of time actually listening to the people who are asking him to be consulted, we would be a lot further ahead in this territory.

For the minister to suggest that all of the concerns from stakeholders are just about the issue of warrantless entry suggests that the minister hasn’t read the letters.

Madam Chair, for people who care about their animals — whether they are pets or livestock or partners in business — for those people, this is affecting their life and their livelihood. The minister is treating this as a partisan game and refusing to acknowledge that Yukoners are writing to them based on looking at the legislation themselves and asking, in some cases pleading, for the minister to consult. Now, in the minister's ivory-tower approach, he can dismiss the peasants, but, Madam Chair, this is a democracy and Yukoners will have the final say on this matter in the next election when they will decide what they think of the minister's report card. For a government that got elected on a promise of "Be Heard" to so callously and repeatedly dismiss Yukoners who are asking for consultation on the legislation — that action will be judged by Yukoners, and I am confident they will make the right choice.

Madam Chair, we know this is a government that really does not have a mandate to continue forward with the work it did in the previous mandate. Their support in the last election collapsed to having the support of less than one in three Yukoners, and we know that in recent polls their support has dropped to below one in four Yukoners. It is clear that this Liberal government does not have the confidence of Yukoners, and in response to this, they're continuing to dismiss perfectly reasonable calls for consultation.

Madam Chair, I meant to table earlier — for members here, I'll table what the Yukon Bureau of Statistics has to say about survey methodology related to online surveys, including the fact, as I noted, that it has a high self-selection bias, response abuse cannot be fully assessed and dealt with, and results are not representative. I'll just hand that to the page for tabling here now.

I finished listing a number of specific concerns from stakeholder groups and specific requests, including the Yukon Outfitters Association — that even the minister admitted they forgot to consult with — the Yukon Dog Musers Association, who says the consultation was flawed and biased and that their feedback was not reflected in the "what we heard" document, the Growers of Organic Food Yukon — who very politely and respectfully, with not a partisan shot in it or a reference to any specific clause of the bill, simply noted — and I am quoting: "The proposed act could have a major impact on our farmer members as well as many other owners of pets and livestock and I believe a go-slow-and-careful approach at this time will make for a better Act in the long run."

Backing up to a previous statement in that same e-mail, the author said, on behalf of Growers of Organic Food Yukon: "Therefore, we respectfully request that debate on the legislation be halted for a reasonable period of time to allow us to review it thoroughly."

The minister can continue to take partisan shots and engage in the same tire-spinning that we have heard from him repeatedly, but again I have to ask why he is so resistant to those calls from stakeholders for consultation.

Since the minister seems so intent on wasting time and repeating his previous remarks in debate this afternoon, I want to ask him about what the government's intentions are regarding this legislation. Where this act changes from the

previous act includes, although is not limited to, as we know, the fact that there is a lot more about control in this legislation than in the *Animal Protection Act*. Let's take a bit of time to talk about what the government means by "control". The minister himself has mentioned cats several times. The minister said yesterday, and I will quote from the Blues, October 31, page 2475: "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." So, with this legislation, what is the minister's intention? Is it the government's intention to make it illegal to let your cat outside?

**Chair:** Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

**Chair:** Order, please. 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'll just let my officials take their chairs.

I think there was a question about cats, and I have an answer for the Member for Lake Laberge. The act provides for some offences, not to target someone who is walking their dog peacefully off leash on public property, but to have the authority to capture and remove a domestic animal when it is loose, at large, on public property, or in the ditch by a roadway. In those cases, the owner would have committed an offence by allowing that to happen. It is important to keep in mind that enforcement under this legislation is complaint-driven, and it is always first focused on bringing everyone into compliance. It is not about punishment, but about raising the awareness of individuals' responsibility to care for and control the animals that they own.

The responsibility will be for the owners to exercise control over their domestic animals such that they do not injure, kill or damage people, property, including owned animals, or the environment. We will not be watching for every cat that is at large in order to punish the owner, but we do respect that domestic animals at large can put people and the environment at risk. The new legislation will give us the power to act when there are complaints, bearing in mind that our initial response of enforcement is always education and bringing people into compliance.

I am advised by my department that complaints about cats are only second to those about loose dogs, from what we hear in the offices.

Briefly, section 41(1) of the act says — and I quote: "The owner of an animal must

“(a) keep the animal confined to the property or the vehicle owned or occupied by the owner of the animal;

“(b) manage the animal in such a way that the animal does not

“(i) injure or kill any individual,

“(ii) injure or kill another animal or wildlife,

“(iii) stray on to

“(A) public property, including a highway or a right-of-way,

“(B) the property of another person without that person’s consent,

“(iv) damage the property of another person or public property,

“(v) cause damage to any wildlife population,

“(vi) cause damage to habitat or the environment that could jeopardize the productivity or these resources or their suitability to sustain wildlife populations...”

There are also observations with respect to this act, with respect to feral cat populations, if the member opposite is interested, but I will sit down and try to answer the member opposite’s further questions.

**Mr. Cathers:** I do appreciate the information that the minister provided, but in saying that it wasn’t the intention to watch everyone’s cat, he didn’t answer the question of whether it is their intention to make it illegal to let your cat outside, because from some of the comments he made, it seems like that is the case.

It also seems that, potentially, depending how you look at section 41, it might not be an offence to have a cat loose on your property, but it seems that if the cat leaves the property, they are in contravention of 41(1)(a), which says that — after the introduction, pardon me — “The owner of an animal must (a) keep the animal confined to the property or the vehicle owned or occupied by the owner of the animal...”

So, in looking at section 41, what I want to ask the minister, both as it pertains to cats and also to dogs, and potentially other animals, is in looking at that section, we can see very clearly, in looking at it, that there is a clear requirement under clause (a) for an owner to keep an animal confined to the property or vehicle, but where in the legislation does it say that an animal can be loose, off leash, without committing an offence? The minister, himself, noted in his comments yesterday, on page 2475 of the Blues, in talking about the survey, he said — and I quote: “We also heard loud and clear that people don’t want “control” to mean that dogs must always be on a leash.”

Again, my question in this — as we look at this section of the legislation, and also at others — if legislation prohibits something and specifies a clear duty to an owner, as this legislation does, there should be another section that creates exceptions, or says when it doesn’t apply. In looking at it, I would ask the minister if he could point out another section of the act where it indicates that he is doing what his remarks suggested they intended to, of creating a situation where someone can legally have their animal with them — have their dog with them, I’ll give the example — of going on a walk through the research forest, or travelling on trails within my area or any municipality.

I know many people who walk their dogs loose, without there being any major issues that I’m aware of. Some of those responsible owners are clearly doing so without there being a problem that is impacting other owners. The legislation, though, clearly says that they have to be kept confined to their property or to the vehicle of the owner.

What I am asking the minister is this: Where does it say in this legislation that someone is actually not committing an offence under section 41 if they have their dog running loose with them, but the dog is not causing problems to other dogs, people, et cetera? Where does it say that a cat owner is not in violation of the act if their animal leaves their property?

**Hon. Mr. Clarke:** I’m advised that the advice was for the drafting to be fairly prescriptive, but I would just repeat the comments I made. The act provides for some offences, but not to target someone who was walking their dog peacefully off-leash on public property, but to have the authority to capture and remove a domestic animal when it is loose, at large on public property, or in the ditch by a roadway. In these cases, the owner would have committed an offence by allowing that to happen.

It is important to keep in mind that enforcement under this legislation is complaint-driven and is always first focused on bringing everyone into compliance. It is not about punishment, but about raising the awareness of individuals of their responsibility for care and control of the animals they own. The responsibility will be for the owners to exercise control over their domestic animals such that they do not injure, kill, or damage people or property (including owned animals or the environment). The new legislation will give control officers the powers to act where there are complaints, bearing in mind that our initial response of enforcement is always education and bringing people into compliance.

Section 41(b) says it is to “... manage the animal in such a way that the animal does not ...

“(iii) stray on to

“(A) public property, including ... a right-of-way,

“(B) the property of another person without that person’s consent...”

We intend the act to be clear about the responsibility for animals to be under the control of the owners at all times. It is important not to provide for wiggle room in what is allowed or not allowed, and the public clearly said that they expect domestic animals to be under control. I certainly take the member’s point with respect to dog walking, but that is where the control aspect of the animal comes into play. It is likely that all members of this House have had interactions with dogs that were not under control, so the onus is for the animal — in this case, the dog, perhaps even the cat. I am not sure how you control cats. I don’t think anybody controls cats.

Just to be clear, once again, we intend the act to be clear about the responsibility for animals to be under the control of the owner at all times. The drafting advice was to make it prescriptive — but that it would always be complaint driven and that the educative function is always the primary tool.

I will let the member follow up here in a second.

In section 45, it enables an individual to capture an uncontrolled animal straying onto their private property or an animal protection and control officer to capture an uncontrolled animal on public or private property, other than the private property of the animal's owner. That is the definition of "at large". I will just look at section 45. The main purpose of the legislation is for there to be the power of an animal control officer to take control of an unattended animal on public property. That is the primary reason for these powers.

**Mr. Cathers:** I appreciate the information that the minister provided, but it sounded like the minister was indicating that they are not going to be watching every dog and cat owner. It is complaint driven. But when I asked the question, making reference specifically to the duties of owners — and I note that the duties of owners that are listed there are not an either/or list. It lists all of them as obligations that an owner always has. If it was the intent to create an exception to the clause that says you have to keep your animal confined to the property or vehicle, there should be somewhere in the act — logically in this section, although it could be elsewhere — that explains when it is not an offence to have them off your property, which could and should, in my view, include if the animal is on a leash or if the animal is walking somewhat loose with someone but is not causing problems such as being a disturbance to other people or causing damage to wildlife.

I didn't hear the minister say where there is an exception to that duty of the owner to keep the animal confined to the property. What I see, and what it certainly seemed like the minister was saying, is that it appears always be an offence for your dog or your cat to be off your property, even if they are on a leash, because it doesn't make that activity lawful anywhere that I see. Again, if he can point to where it is, then please do.

It seems to me — and the minister's previous response seemed to indicate — that it's always a contravention of the act to have a dog or cat off of your property or out of your vehicle, but they don't intend to enforce that all the time. If that is the approach the government is taking, it is concerning. I note the section that the minister mentioned about animals at large. That section refers to the ability of an animal protection or control officer or another person to capture or trap an animal that is at large. It doesn't include the definition of "at large" under the duties of owners and say, hypothetically — as we see, there is a section that makes it clear that the prohibition under clause 41(b) — "injure or kill another animal or wildlife" — doesn't apply. It says clearly there — I will quote the section: "Subparagraph (1)(b)(ii) does not apply to an animal that is controlling or eliminating a pest." It says right there — that an exception to the list of duties of owners — but what I don't see there — and again, if the minister can point to it somewhere else in the act, then please do.

But I don't see a similar exception, which, in my view, should be there, making it clear that under the list of "Duties of owners" — all of which owners have all of the time — one exception is that it doesn't apply if your animal is controlling or eliminating a pest. There should be, in my view, language there that — or elsewhere in the act — that makes it clear that, if your animal is off-leash but not causing harm to someone else

or wildlife, you are in compliance with the law — not in a situation where you are technically committing an offence, but government probably isn't going to do anything to enforce it. If the situation is being created — as it seems that it is — and please correct me if I have missed a section of the law — that it is always an offence for your cat to be off your property or out of your vehicle, and always an offence to have your dog on public property, even if they are on-leash or in a dog team, or are running with you loose but doing so in a way that they are not causing any damage to anyone. Can the minister please indicate if there is a section of the act that I have somehow missed that makes those harmless activities legal? Can he point to it?

**Hon. Mr. Clarke:** I take the member opposite's point that it may well be — I am just trying to receive, through drafting or legal advice, and I can undertake to come back to the House, but it may very well be that, under section 41(1)(a), that must occur; that you must "...keep the animal confined to the property or the vehicle owned or occupied by the owner of the animal..." That stands, but the question that is being asked about whether there is a typo or whether there should be an addition of a word like "or", I don't have the answer yet, but I take the member opposite's point that it should not likely be conjunctive or a multiplier effect, arguably. I will receive advice on this, but section 41(1)(a) should likely stand on its own.

**Mr. Cathers:** I do appreciate that answer from the minister and his commitment to come back with more information. I do note that this is an area where we have heard concerns from people about. I missed mentioning it. I gave the example of dogs and cats. I missed mentioning earlier, and should add to that now, the issue of horse riders on public property, whether it's outfitters, or people in wilderness tourism, or most of the Yukon's horse riders, who are, in fact, people who do it for pleasure. I should also add to that using horses in a team, for example, in front of a sleigh. It should be very clear in this legislation, with no room for questioning or doubt, that it is legal to ride your horse on public property. It should be very clear that it is legal to have your dog on a leash off your property. It should be very clear that it is legal to do what the minister actually seems to intend to do with this, and have a situation where, if your dog is loose with you on a walk or a run, and they're not causing harm to someone else or the environment or wildlife, that it is a perfectly legal activity.

It should be the situation, as well, in my view, that a cat owner is not in violation of the act, because their cat left their property, since that is a very common practice. It is the kind of important details that go well beyond the level of interest in the previous consultations. There are thousands of people across the territory who, if they understand that there is a concern about whether they have their dog loose on their property, or running — going loose with them on a run — or are in a situation where it is technically, under the act, always an offence to have your cat leave your yard, that is something that would be a significant cause for public concern.

I do appreciate the minister's undertaking to come back with more information, and I would urge the minister — he

indicated that there might be a typo. I appreciate that acknowledgement from the minister. If that is the case, I would just urge him to recognize that, with this particular section of the act and the duties of the owners, that it is very, very important to many Yukoners whose pets, working animals, or livestock are affected by this, that they have the comfort in the legislation that if they are riding their horse on public property, that is completely legal; if they are driving a dog team on public property, or going for a walk with loose dogs, that is completely and clearly legal, and that they are not in violation of the act simply because their cat has left their property.

If the minister does feel — as he seems to be indicating — that perhaps there is a need for adjustment in that section, I do welcome that, because it is an area where this is just very, very important to Yukoners who are affected by it.

I want to also mention a couple of other specific practices. I don't know if the minister will have the information on him at this point, but I would appreciate if he could look into them, if he is not able to answer right now. That includes the practice of outfitters, who — as we know, there was a consultation error regarding them. My understanding is that a number of them, when they are back in the bush — or wilderness, if you prefer — at their base camp or other camps in the area, that some of them have their horses typically let loose — in part, for the safety of the animals if there is wildlife around, so that if a bear or other predator comes upon them, that animal is not at risk of being taken down due to being either hobbled or tied. Partly out of safety for the animals, some of them will have their horses loose in the area where they don't expect them to stray, because of the presence of food. Horses, of course, as members will know, unless they actually escape and create a feral population, have been in the Yukon and throughout Canada, and many other places — a horse grazing in a field doesn't cause any real negative impact to wildlife populations.

Maybe the minister will have a different opinion on that practice, but my understanding from outfitters is that, for some of them, this is an important part of how they have operated. They don't have fencing in remote locations. They go to an area where they believe there is adequate food, either in a field or that they have put out for horses, and they will have those animals loose on public property but causing no harm to wildlife or anyone else. I would hope that the minister would agree that this practice should continue to be legal and that it should be clear in the legislation that those animal owners are not immediately in violation of section 41 of the act because of choosing to do that. I should also note that the same may apply to non-outfitters who offer horse tours.

I want to mention another issue that was raised with me by a constituent about people who offer horse tours — although not outfitters themselves — is that the value of being able to clearly and legally have a dog loose with them has helped to avoid problematic encounters with a bear on more than one occasion. That's an area where I think there could very easily be an unintentional oversight by either officials or the minister in not recognizing that, for someone whose business includes offering horse tours — either as an outfitter or, in this case, a non-outfitter in the wilderness tourism business — they would

find it beneficial and a safety improvement while taking out clients to have a dog that stays around them but has, on more than one occasion, as I was told by a Yukoner — the dog scared the bear off before the people and the horses came along. They believe it avoided a wildlife conflict that could have been problematic.

Another example I will just point to is that, right now, it is the common practice of dog mushers who are sprint racers — my understanding is that it is common practice right now for Yukon dog mushers and others who are engaged in sprint racing to let their dogs out frequently when they are travelling and trucking their dogs somewhere. They use a practice that they refer to as “loose dropping”. As I understand it, that involves going to an area where they are confident they can let their dogs out without them causing a problem, but, as described to me by a constituent, typically for sprint dogs, the practice they use — and I believe others do — is that every two and a half to three hours, when sprint mushers are transporting dogs, they typically allow those dogs to get out and run around loose to loosen up their muscles — to have those dogs be more comfortable, et cetera.

That is a specific concern coming from members of the Yukon Dog Mushers Association about this. I would appreciate the minister indicating how that is addressed in this act, and if, as he noted earlier, there is either a typo or some parts that they have not considered in drafting this — to reconsider this part of the legislation.

As I have said earlier in my remarks, to make it clear to people, including the Yukoners who engage in all those practices that I mentioned, which are, themselves, harmless and perfectly reasonable under most circumstances, I would urge the minister to revisit this area and to recognize that it is important that all of those people — whether it is someone who runs loose with their dogs or someone who rides a horse, or any of the other examples that I have given they should be able to look at this act and be confident, comfortable, and correct in concluding that those reasonable practices with their animals are fully legal, and are not just in a situation where they are technically illegal but government probably won't fine them for it.

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

**Deputy Chair:** It has been moved by the Member for Lake Laberge 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. 16, entitled *Second Act to Amend the Legal Profession Act, 2017 (2022)*, and directed me to report it without amendment.

In addition, Committee of the Whole has considered Bill No. 20, entitled *Animal Protection and Control Act*, and directed me to report progress.

**Speaker:** You have heard the report from the 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 5:27 p.m.*

**The following documents were filed November 1, 2022:**

35-1-95

Bill No. 20, *Animal Protection and Control Act*, letter re (dated October 31, 2022) from Hon. Nils Clarke, Minister of Environment to Ted Laking, President, Association of Yukon Communities (Clarke, N.)

35-1-96

Draft Yukon *Animal Protection and Control Act*, letter re (dated October 27, 2022) from Hon. Nils Clarke, Minister of Environment to Cain Vangel, President, Yukon Agricultural Association (Clarke, N.)

35-1-97

Tabling of the draft *Animal Protection and Control Act*, letter re (dated October 31, 2022) from Hon. Nils Clarke, Minister of Environment to Kalin Pallett, President, Wilderness Tourism Association of the Yukon (Clarke, N.)

35-1-98

Changes to the *Animal Protection Act*, letter re (dated October 13, 2022) from Hon. Nils Clarke, Minister of Environment to Aedes Scheer, President, Humane Society Dawson (Clarke, N.)

35-1-99

*Animal Protection and Control Act*, letter re (dated November 1, 2022) from Hon. Nils Clarke, Minister of Environment to Brian Lendrum, Chair, Growers of Organic Food Yukon (Clarke, N.)

35-1-100

Discussions with Conflict of Interest Commissioner, letter re (dated October 27, 2022) from Hon. Tracy-Anne McPhee, Minister of Justice to Brad Cathers, Member for Lake Laberge (Cathers)

35-1-101

Seeking guidance from the Conflict of Interest Commissioner, letter re (dated November 1, 2022) from Brad Cathers, Member for Lake Laberge to Hon. Nils Clarke, Minister of Highways and Public Works (Cathers)

35-1-102

Dempster fibre project, letter re (dated May 24, 2022) from Stacey Hassard, Member for Pelly-Nisutlin to Hon. Nils Clarke, Minister of Highways and Public Works (Hassard)

35-1-103

Dempster fibre project and the inclusion of economic benefits for citizens of the Tr'ondëk Hwëch'in First Nation, letter re (dated June 8, 2022) from Hon. Nils Clarke, Minister of Highways and Public Works to Stacey Hassard, Member for Pelly-Nisutlin (Hassard)

35-1-104

Request for Amendments to *Legal Profession Act, 2017*, letter re (dated September 6, 2022) from Meagan Lang, President, Law Society of Yukon to Hon. Tracy-Anne McPhee, Minister of Justice (McPhee)