



Yukon Legislative Assembly

Number 91

1st Session

35th Legislature

HANSARD

Monday, November 7, 2022 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

YUKON LEGISLATIVE ASSEMBLY

2022 Fall Sitting

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

CABINET MINISTERS

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

OFFICIAL OPPOSITION

Yukon Party

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

THIRD PARTY

New Democratic Party

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

LEGISLATIVE STAFF

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

**Yukon Legislative Assembly
Whitehorse, Yukon
Monday, November 7, 2022 — 1:00 p.m.**

Speaker absent

Clerk: It is my duty, pursuant to the provisions of section 24 of the *Legislative Assembly Act*, to inform the Legislative Assembly of the absence of the Speaker.

Deputy Speaker takes the Chair

Deputy Speaker (Ms. Blake): I will now call the House to order.

We will proceed at this time with prayers.

Prayers

DAILY ROUTINE

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

INTRODUCTION OF VISITORS

Deputy Speaker: Under Introduction of Visitors, the Chair would like to introduce Mr. Dustin Fredlund, the Chief Electoral Officer, Nunavut, and Maxwell Harvey, Yukon's Chief Electoral Officer.

Please join me in welcoming them.

Applause

Hon. Mr. Streicker: I would like to welcome several folks here today for our tribute to the agricultural award. From the Agriculture branch, we have Heather Mills, our assistant deputy minister; Kirk Price, our director; we also have Jonathan Lucas, our manager of our Agriculture Lands unit; and Kristine Ferris, who is our agrologist. As well, sitting in the middle of them is Beez Duncan, who is one of our award winners this year, from Lastraw Ranch. She is a student here in Whitehorse, but her farm is up in Dawson.

Please welcome them all.

Applause

Deputy Speaker: Tributes.

TRIBUTES

In recognition of Lastraw Ranch and Klondike Valley Nursery

Hon. Mr. Streicker: I rise today to pay tribute to Lastraw Ranch and Klondike Valley Nursery. These two farms are the joint recipients of the 2022 Yukon Agriculture Award. Lastraw Ranch is one of the largest meat and egg producers in the Klondike region, owned and operated by Megan Waterman and her daughter Beez.

Megan is being celebrated for boosting local food security and culinary tourism in the area. She has done this by developing and growing sustainable agriculture in the north, supporting other Yukon food producers, and collaborating on a

cold storage network that links producers between Whitehorse and Dawson City.

We also celebrate today the Klondike Valley Nursery. The Klondike Valley Nursery is Canada's northernmost research nursery, owned and operated by John Lenart and Kim Melton. John and Kim love growing fruiting trees in cold climates and high latitudes. Their 30 years of innovative research with hardy fruiting trees has allowed John and Kim to expand production in Canada's north, diversify the local landscape, and broaden local fruit production in the Klondike Valley.

Madam Deputy Speaker, we received nominations for other exemplary members of our farming community, including: Meesha Wittkopf for the White River First Nation community greenhouses; Tom, Simone, and Graham Rudge of Tum Tum's Black Gilt Meats; Wilderland Botanicals; and Alpine Bakery. They were all nominated by their peers for their commitment to and passion for local farming.

The Government of Yukon started this award in 1999 as the Farmer of the Century Award. The following year, it became the annual Farmer of the Year Award, and the Government of Yukon has been giving out this agricultural award for over 20 years. So much has changed in the Yukon's agricultural landscape in the past couple of decades. We can see it in the breadth of locally grown and produced foods available in our grocery stores, restaurants, retailers, and farmers markets.

Again, congratulations to Megan and Beez, John and Kim, and, in general, to the Dawson area's thriving farm community. Thank you to all involved in Yukon agriculture. I thank them for their harvest, for putting delicious, local food on our tables, and we wish them a good rest over the coming winter months.

Thank you, Madam Deputy Speaker.

Applause

Mr. Cathers: I am pleased today to rise on behalf of the Yukon Party Official Opposition to acknowledge and congratulate the winners of this year's award — Lastraw Ranch and the Klondike Valley Nursery. I will be much shorter than the minister and not repeat the comments that he made, but I would like to thank Lastraw Ranch for their contributions to local food production, especially in the Klondike area, as well as the cold storage network, and the Klondike Valley Nursery for their work in growing new varieties of fruit and other things here in the territory. I would just note that it is a real treat to be able to buy and eat a Yukon-grown apple.

So, congratulations to the winners, and I would like to, as well, acknowledge the contributions of all those who were nominated for this year's award.

Applause

Ms. White: It's a pleasure to rise on behalf of the Yukon NDP to tribute this year's Yukon's Agriculture Award. Yukon farming has come a long way in the last 20 years, and the renaming of the award from "Farmer of the Year" to "Agriculture Award" shows that growth.

Yukon's booming agriculture scene is made up of a many different parts, from growers and producers to those who

process and market them. It's an industry that openly learns and celebrates the successes of one another, and the North of 60 banquet is an opportunity to come together and celebrate the achievements of the last year.

With a dinner made up of ingredients sourced from 13 separate farms, there was plenty to celebrate. This year's winners brought the focus straight to the Klondike and the territory of the Tr'ondëk Hwëch'in where we have seen innovation, collaboration, and research. From its beginning as a home-schooling project for Beez that started with 12 laying hens and a neighbourhood egg route, Lastraw Ranch has really grown in the last decade. From eggs to pork, this family farm has never slowed down. They have shown what true collaboration looks like. From partnerships to get grazing on mining claims to a beautiful website cheering on and connecting customers to their peers, Lastraw Ranch does it all. So, congratulations to Megan Waterman and Beez Duncan on that epic achievement.

The northernmost nursery in Canada can be found in the Klondike Valley where they are uniquely situated to explore the boundaries of what can be grown in cold climates at high altitudes. John Lenart and Kim Melton are the dynamic duo behind the Klondike Valley Nursery. These two found their way to the Klondike via different routes but share a passion for growing and exploring ways to diversify our local landscape, broaden northern food production capabilities, all while remaining integrated with their natural landscape. Congratulations to John and Kim and Klondike Valley Nursery.

A big congratulations, also, for the agriculture community and to all of those nominated for this year's award.

Applause

TABLING RETURNS AND DOCUMENTS

Deputy Speaker: Under Tabling Returns and Documents, pursuant to section 318 of the *Elections Act*, the Chair has for tabling the *Report of the Chief Electoral Officer — Recommended Changes to the Elections Act 2021*; the *Report of the Chief Electoral Officer — Election Financing Returns 2021 Territorial General Election*; and the *Report of the Chief Electoral Officer — The Administration of the 2021 Territorial General Election*.

Are there any further returns or documents for tabling?

Mr. Dixon: I have for tabling pages 132 and 133 of the *YEC 10-Year Renewable Electricity Plan Technical Report*, dated November 25, 2019, which shows that the total project costs for the expansion of the Atlin hydro project, including a 69 kV transmission line, is estimated at \$120.7 million.

Mr. Cathers: I have for tabling here today a letter to the Minister of Justice from the chair of the Yukon Utilities Board entitled *Report on the Yukon Energy Corporation Electricity Purchase Agreement with Tlingit Homeland Energy LP*, dated October 18, 2022, and the attached report from the Yukon Utilities Board entitled *Report to Yukon Minister of Justice on Yukon Energy Corporation Electricity Purchase Agreement*

with Tlingit Homeland Energy LP under Section 18 of the Public Utilities Act.

Mr. Istchenko: I have for tabling a letter from the Yukon Dog Musers Association to the Minister of Environment dated November 4, 2022. It's in reference to Bill No. 20.

Ms. White: Today I have for tabling three letters: one in support of a national truth and reconciliation day statutory holiday from the Ta'an Kwäch'än Council; one in support of amendments to the *Oil and Gas Act* from the Ta'an Kwäch'än Council; and a letter of support from Yukoners Concerned about the amendment to the *Oil and Gas Act*.

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

NOTICES OF MOTIONS

Mr. Istchenko: I give notice of the following motion:

THAT this House urges the Government of Canada to exempt home heating fuel from the federal carbon-pricing system.

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

THAT this House urges the Government of Yukon to delay the closure of the Keno City transfer station and to work with the residents of Keno City to ensure a sustainable, long-term waste management solution for the community.

Deputy Speaker: Is there a statement by a minister?

MINISTERIAL STATEMENT

United Nations climate change conference

Hon. Mr. Clarke: This week, the Government of Yukon sent two representatives as part of a Yukon delegation to attend the 27th Conference of the Parties to the United Nations Framework on Climate Change, known as "COP27", in Egypt.

COP27 is an opportunity for countries to come together to take action toward achieving our collective climate goals as agreed to under the *United Nations Framework Convention on Climate Change and the Paris Agreement*. It also provides an opportunity for local governments, the business community, youth, and academics from all over the world to share their voices and promote global climate action.

Madam Deputy Speaker, the Yukon is warming at twice the rate as many parts of the world and we are experiencing disproportionate impacts of climate change compared to many other jurisdictions. This is why we are working hard to be a national leader in climate mitigation and adaptation.

I want to now acknowledge and thank the assistant deputy minister of Corporate Services and Climate Change, Shehnaz Ali, and the director of the Climate Change Secretariat, Rebecca Turpin, with the Department of Environment who are

attending the conference as part of a Yukon delegation. As representatives of the Government of Yukon, they will ensure that our voice will be heard on the global stage at COP27.

Shehnaz Ali and Rebecca Turpin will present on two panels at COP27. The first is partnering with the Government of Northwest Territories. They will speak to the severe effects of climate impacts on the north and the importance of partnerships in climate adaptation and building resilience. The second seminar is partnering with British Columbia and PEI. They will speak to our efforts to achieve net zero emissions from coast to coast to coast by 2050.

Madam Deputy Speaker, I look forward to hearing how they will demonstrate our successes when it comes to climate action and bring back important insights on how we can continue to address the climate change crisis. The Yukon delegation also includes other climate advocates in the territory, including strong indigenous representation from the Assembly of First Nations Yukon Region, Yukon University, and the Yukon First Nations Climate Action Fellowship. Indigenous voices and perspectives are important to share as part of the global climate action conversation. Climate action is a part of reconciliation, as indigenous cultures and history are closely tied to the land and environment. It is important to note that Yukon's delegation will include a strong indigenous perspective.

Mr. Istchenko: Thank you, Madam Deputy Speaker, for the opportunity to respond to the ministerial statement regarding the 2022 United Nations climate change conference, otherwise known as "COP27". This important conference got underway on the weekend in Egypt. I am pleased to see those nations in attendance coming together to talk about tackling climate change. As we know too well, climate change is affecting us here in the Yukon at greater rates than elsewhere. We need to look no further than my riding of Kluane. The north Alaska Highway from Haines Junction to the Alaska border is heaving in many spots as the permafrost is melting. This is a direct result of climate change.

Part of the work of the government now is adapting and mitigating the effects of climate change; however, the amount of funding to maintain and upgrade the north Alaska Highway by this Liberal government since 2016 amounts to a very small drop in a very large bucket.

Can the minister tell us when the Liberal government will start mitigating the impacts of climate change on the north Alaska Highway and fund proper highway upgrade projects? I hope that the permafrost melt and its effects on the north Alaska Highway will also be mentioned by the Yukon delegation who will be attending. According to an official government press release, there will be two people attending on the government's behalf, including the assistant deputy minister and the director of the Climate Change Secretariat.

Under a previous Yukon Party government, the Yukon delegation also included a youth delegate. The youth delegate who attended the 2014 conference is now a leader within the Climate Change Secretariat. Unfortunately, the youth delegate position that travelled to the conference was cut by the Liberals.

Has the minister considered reinstating the youth delegate position as part of the Yukon delegation to future conferences?

Speaking of delegates, aside from the two identified in the press release, we understand that there are a number of other Yukoners who will be part of the formal delegation. The minister just highlighted the indigenous representation of Yukon's delegation. I am happy to see such representatives as part of Yukon's voice at the conference, but can the minister tell us how many other Yukoners are going? Can the minister also indicate the cost that the Yukon government is covering for the entire Yukon delegation, and what is the budget? Finally, what outcomes or goals does the minister expect from the speaking engagements of our Yukon government representatives who are there? I look forward to the minister's answer.

Ms. Tredger: It's hard to know how to feel coming into COP27 knowing that Canada has continued to miss its targets. Here in the Yukon, we missed our targets entirely under the Yukon Party. Under the Liberals, we are working with an official plan that only gets us partway there.

I am glad that a number of local experts and officials — particularly glad that there will be First Nation leaders attending this conference. We hope that the people who attend can bring their knowledge and experience to the conversation, and we hope that they bring back new ideas and energy. We hope that this government will hear those ideas loud and clear and understand the urgency, but it is a missed opportunity for the Premier to show leadership.

In 2016, the Yukon sent a bipartisan delegation to COP21 in Paris. That included the Premier and his chief of staff, the Leader of the Official Opposition, and the Leader of the Third Party, who is now the Premier. Even the Yukon Party, which has long opposed green initiatives like the carbon tax and new hydro projects, thought it was important to attend.

Most of all, what we need is change here at home. We need a government that takes action even when it's difficult, even when it's unpopular, and even when it's making sacrifices and hard choices. Regardless of what meetings or conferences are attended, we need a government that will ensure a livable future for everyone.

Hon. Mr. Clarke: Yukoners are feeling the impacts of climate change now and we must continue to work together to take bold and aggressive actions to reduce our emissions, mitigate climate impacts on our communities, and build a more resilient territory. The Yukon's *Our Clean Future* strategy is an adaptive plan that will allow us to assess and adjust the actions we are taking year over year to ensure that we stay on track to meet our long-term goals. I'm proud of our efforts to legislate our 45-percent emissions-reduction targets through the *Clean Energy Act*, which recently passed third reading in this Assembly. This legislation is an incredibly important step that, if passed, would ensure action and accountability on climate change and make the Yukon home to some of the most progressive greenhouse gas emissions-reduction legislation in North America.

Madam Deputy Speaker, one of the key topics set this week at COP27 is climate adaptation and resilience. This past September, our government released the Yukon's first climate risk and resiliency assessment. This assessment is a key commitment under the *Our Clean Future* strategy and a step toward our goal of ensuring that the Yukon is highly resilient to the impacts of climate change. Identifying the areas where we are vulnerable helps us to participate and coordinate and to adapt, respond, and plan for the impacts of climate change.

We are strengthening the territory to be more resilient to the impacts of climate change by protecting our transportation infrastructure, preparing for fires and floods, and responding to permafrost thaw.

By working toward the goal in *Our Clean Future*, the Yukon is truly becoming a national leader when it comes to tackling climate action and reducing greenhouse gas emissions. We are thrilled that the Yukon delegation can share our territory's insights with climate leaders from around the world and learn more about climate initiatives that other jurisdictions are taking, and we look forward to hearing back from what we have heard.

I can also advise that two young persons from Yukon — young adults — are going to COP27 with Students on Ice and they include Emily Ross, who, of course, facilitated our youth leadership council, and Meesha Wittkopf from White River First Nation. There were other questions that I can report back to the House on.

Thank you again to the Yukon delegates who are attending COP27 this week.

Deputy Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: Atlin hydro expansion project

Mr. Hassard: So, last week, the Minister of Energy, Mines and Resources told the Assembly that the Yukon Utilities Board was currently reviewing the electricity purchase agreement for the Atlin hydro project. That turns out to have been inaccurate. The YUB actually issued their report on the Atlin hydro EPA back in mid-October and submitted their report to the Liberal Cabinet on October 18, so that is, of course, almost three weeks ago.

So, can the minister tell the Legislature if he misspoke last week when he said that the YUB was still reviewing the EPA, or was he not aware that his office had already received the report of the YUB?

Hon. Mr. Streicker: To explain and to help the Yukon Party to understand, the Utilities Board reports to the Minister of Justice. Yes, that letter arrived, and I understand that the Department of Justice is reviewing it. I met with the Yukon Energy Corporation and Yukon Development Corporation this morning. They told me that the letter was generally favourable to the energy purchase agreement, which is a good thing for Yukoners because it's cheap energy. This is 13.5 cents per kilowatt hour — which is being applied for —

for dependable winter energy. That's a good result for the Yukon.

Mr. Hassard: I'm not surprised that the minister wasn't keen to highlight the YUB's assessment of the Atlin hydro EPA, because it contradicts his message on this project. One of the most concerning things that the YUB raised was the adverse effect that the Atlin hydro project would have on ratepayers. In fact, it is clear that rates are going to go up as a result of this deal.

So, does the minister now know how much Yukoners' electricity rates are going to go up because of this deal?

Hon. Mr. Streicker: The members opposite would build a liquefied natural gas plant. We saw that this pushed up rates for Yukoners when they built that plant. I have spoken about that here in the Legislative Assembly before. The price of that plant is likely to have gone up. It would not attract investment by Canada or British Columbia. I don't know whether it would attract investment by First Nations because it's a fossil fuel plant. We don't want that.

What we want is renewable energy. What this project is going to do is give us a price for energy of 13.5 cents per kilowatt hour, which is much, much less than the cost of producing electricity with fossil fuels.

I wish that the Yukon Party would get with the program. We just talked about COP27 earlier today in a ministerial statement. They themselves mentioned the importance of getting off of fossil fuels. I don't understand how they think that this is the right route to get off of fossil fuels — to go with an LNG plant here in the territory.

Mr. Hassard: So, let us recall what the YUB actually said in the report, and here is a direct quote from the board findings and recommendations page: "In the Board's view, YEC started its negotiation high with this CPI term, and therefore, customer rates are likely adversely affected by the approach to this term."

So, the YUB is raising a concern about the impact of this project on the rates that customers pay. In other words, they are saying that the electrical rates are going to go up. So, last week, the minister told this House that this was a great deal for ratepayers.

So, who should Yukoners actually believe: the independent tribunal with a mandate to look out for ratepayers or this Liberal government?

Hon. Mr. Streicker: We welcomed the Yukon Energy Corporation and the Yukon Development Corporation, which put in this application to the Utilities Board earlier this spring. The Yukon Party said: "No, thank you; we don't want to hear from the Energy Corporation." They obviously don't trust the Energy Corporation.

I say now, as they pick out small pieces from within the overall report, which I believe says that this is a good rate — I will happily go back and pull out some other quotes for them at another time — no problem. Overall, for Yukoners, 13.5 cents a kilowatt hour — LNG costs 21 cents a kilowatt hour right now, and diesel is even more. The prices of fossil fuels are going up. Please don't believe the Yukon Party; they would have us invest in fossil fuels.

Question re: Atlin hydro expansion project

Mr. Kent: So, throughout last week, the minister told the Legislature, as well as the media, that he thought the Atlin hydro deal was good for ratepayers. The Yukon Utilities Board makes their view of the electricity purchase agreement very clear in their report. They express real concern about the impact that this EPA will have on customer rates. It says — and I quote: “Therefore, the Board finds that customer rates are likely adversely affected by this term because it is at 50% of CPI...”

So, can the minister tell Yukoners how much these adverse effects will cost Yukon ratepayers?

Hon. Mr. Streicker: Thanks, Madam Deputy Speaker — 13.5 cents a kilowatt hour — that is the energy purchase agreement. That is what we’re talking about paying. The reason that it is at 13.5 cents a kilowatt hour is because we are looking to find other ways to pay for the capital — not through our rate base. The purpose of that is to keep that 13.5 cents a kilowatt hour down low.

For example, the price in our small communities is even higher for fossil fuels because we have to fly those fossil fuels into some of our communities or drive long distances for others. No — it is the wrong choice to go with fossil fuels. I know that the Yukon Party believes in investing in fossil fuels. We disagree. It’s a fundamental difference. We believe that the right thing to do is to invest in renewable energy. We believe this project is good because it is community-led, it’s a brownfield site, it’s renewable energy, and it’s going to give us dependable energy for winter at 13.5 cents a kilowatt hour.

Mr. Kent: Last week and again just now, the Minister of Energy, Mines and Resources told the Legislature that the EPA for the Atlin hydro project would provide the Yukon with dependable winter energy at 13.5 cents per kilowatt hour. But the Yukon Utilities Board has expressed a different perspective. Here’s what the Yukon Utilities Board says in their October 18 report — and I will quote again: “However, in the Board’s view, the benefit of the reduced winter energy price is a phantom benefit.”

On one hand, we have the Minister of Energy, Mines and Resources saying that this is a great deal, and on the other hand, we have significant concerns being raised by the independent, non-partisan board whose mandate is to look out for Yukon ratepayers.

Who would the minister have Yukoners believe?

Hon. Mr. Streicker: Not the Yukon Party — they are proving unreliable. When they are talking about that rate, they are not talking about the 13.5 cents per kilowatt hour. What they are talking about is whether we buy extra winter energy. That’s the other piece that they are not mentioning. However, the 13.5 cents per kilowatt hour is a great rate all on its own. Will we buy more than that? That really depends on the future, and it will unfold depending on the demand on our side and the production on the side of the Taku River Tlingit First Nation or Tlingit Homeland Energy Limited Partnership project. It’s a good project at 13.5 cents a kilowatt hour. I’m surprised that the members opposite don’t agree with that.

I will go through and find quotes from the Yukon Utilities Board letter to the Minister of Justice to share as well, but I

hope Yukoners will take a look at it and see that it’s 13.5 cents a kilowatt hour. That’s a great price.

Mr. Kent: So, unfortunately, it is the minister who is proving unreliable. He didn’t even know last week that the Yukon Utilities Board report was done. While the minister has been claiming that the Atlin EPA will be great for Yukon ratepayers, the YUB is raising some serious concerns. They say that rates are going to be adversely affected, and we know what that means: The amount that Yukoners pay for electricity is going up. The YUB calls what the minister has claimed to be a benefit a “phantom benefit”. Here’s what they said — and I will quote: “Energy delivered beyond the thermal displacement level and in excess of that used for storage purposes is of no value to YEC.”

Does the minister still think that this is going to be a good project for Yukon ratepayers or Yukon taxpayers?

Hon. Mr. Streicker: Again, right within that quote, it talked about “beyond”. In other words, the first part of it is good, and beyond that, we’re not sure. The “beyond” price, though, is lower, so this project will displace four rented diesels. The Yukon Party would like us to invest in liquefied natural gas and build another LNG plant — no thanks.

Question re: COVID-19 public health measures

Ms. Tredger: Many public health experts are predicting another wave of COVID-19 this fall and surging case numbers over the winter as people head back indoors. This government, though, appears to have given up on public health measures to protect Yukoners from the virus. Vaccination rates have stalled. Only 55 percent of Yukoners have received three doses or more, and less than 10 percent of children under five have had their first shot.

According to yukon.ca, access to booster shots remains by appointment only and kids under 12 can’t get an appointment until at least November 17. Will the minister commit to streamlining the booster-shot campaign and reducing the barriers to vaccination?

Hon. Ms. McPhee: I appreciate the opportunity to talk about how well Yukoners have fared during COVID-19 and during the very long and very difficult period of time that we have all suffered through with respect to how we have adjusted over the period of time of this world pandemic. Public health measures continue with respect to providing service and safety for Yukoners.

I can indicate that I do disagree with much of what has been said in this question. It is clearly a fact — and Yukoners know this — that they have risen to the challenge of vaccines here in the territory.

We have had an amazing response to vaccines and the availability of vaccines across the territory to communities delivered throughout the Yukon Territory, sometimes by just amazing fly-in teams to make sure that our most remote communities were well protected with respect to vaccines.

I look forward to that campaign continuing. We are continuing to provide vaccines across the territory to Yukoners.

Ms. Tredger: In April, the minister told this House that waste-water testing for COVID-19 — and I quote: “... may

become a useful surveillance tool here in the territory in future.” That was more than six months ago.

While the government has taken time to figure things out, others are stepping up and filling the void. Champagne and Aishihik First Nations and the Village of Haines Junction have implemented their own waste-water surveillance program. Their data show rising viral load. What little public data we have for the Yukon show the test positivity rate rising sharply last week.

Waste-water testing is a solution that works in other northern communities. It would allow this government and all Yukoners to make decisions based on information, not guesses. Why hasn’t this government implemented waste-water testing for COVID-19?

Hon. Ms. McPhee: While I appreciate the suggestions from across the way, we are going to take our public health guidance from our chief medical officer of health. We have in our territory a new chief medical officer of health, Dr. Ranade, who is working with his team with respect to new methods, a new perspective, a new vision for the territory. We are working forward with his guidance and the guidance of his team.

Waste-water testing is one of the opportunities that is being considered, but what Yukoners should know is that waste-water testing for the virus that causes COVID-19 continues to evolve. It could become a useful tool. It is not currently being used here in the territory. With the support of the Public Health Agency of Canada, Champagne and Aishihik First Nations have implemented a waste-water testing pilot project in Haines Junction and we are watching that closely. We continue to work with our partners, including Health Canada, the Public Health Agency of Canada, First Nations, and municipal governments to explore whether or not that’s an option that is supported by those communities.

Ms. Tredger: In June, the Public Health Agency of Canada announced that it will stop distributing rapid tests for COVID-19 to the provinces and territories. In the absence of available PCR testing, many Yukoners still rely heavily on rapid tests to make decisions. Should they go to work today with a runny nose because they can’t afford to stay home again? Should they send their kids to their first birthday party in two years? These are the kinds of questions that many Yukoners are struggling with. Without access to affordable rapid tests, many Yukoners will be left to guess.

Will the minister tell Yukoners how many rapid tests the Yukon has left, and will she continue to supply them free of charge beyond 2022?

Hon. Ms. McPhee: I think the message that needs to be delivered to all Yukoners — Yukoners know this, but they are spreading it to their friends and family throughout their communities — is that, if you are unwell, you should remain away from your workplace or away from school. You should remain at home until you are feeling well again.

The truth of this situation is that we have learned that going to work with symptoms of illness is not helping any of our community. Since March 2020, Yukon has provided lab-based PCR tests — at that time — to symptomatic patients. With the arrival of new rapid-testing resources, we have shifted lab-

based PCR testing resources to focus on populations with the highest risk of negative impacts. At-home rapid tests are readily available for Yukoners throughout the territory in pharmacies, local businesses, and community health centres. They are free of charge. They will remain available.

Question re: Student support services

Ms. White: For more than 25 years, the Teen Parent Centre in Whitehorse has been supporting young parents finishing high school. One essential component of that centre is the daycare. It allows parents to concentrate on their studies, knowing that their little ones are being cared for in the shared space. It seems that this Liberal government may be the death of that important service. Despite hard work from community members, the daycare society is no longer in good standing. Without a daycare, the Teen Parent Centre will be unable to serve its purpose.

What work has this government done to ensure that the daycare located within the Teen Parent Centre remains open and operational?

Hon. Ms. McLean: The Department of Education works collaboratively to provide services and supports to Yukon children and families. The department is committed to supporting teen parents. Our government is committed to supporting teen parents.

The Teen Parent Centre brings together a variety of supports for students during and after pregnancy, including providing a safe and caring environment, access to healthy meals, academic support, and on-site childcare.

I acknowledge the absolutely caring staff of the Department of Education — from the Teen Parent Centre — who provide important supports to teen parents to ensure their learning success. There are no plans to close the Teen Parent Centre, and there has been no change to the support available to teen parents.

The Teen Parent Access to Education Society operates and manages the daycare located at the Teen Parent Centre. Teen parents can also access free childcare at other licensed childcare facilities in the Yukon. We acknowledge the Teen Parent Access to Education Society’s many years of important work and dedication to supporting students and young Yukoners.

Ms. White: So, after inviting the minister for a meeting — but instead meeting with department officials — parents using the Teen Parent Centre have been told by the Department of Education that if they want the daycare to remain open, they should consider starting their own society to run that daycare. These parents or teenagers with young children trying to finish high school shouldn’t have to start and run a society to maintain a daycare within their school. There are real concerns that the minister is simply happy to let the Teen Parent Centre close and have no daycare within that facility. So, the minister either needs to work with the society to help them get back on their feet or transition that daycare into a publicly run daycare.

Will the minister commit that the daycare at the Teen Parent Centre will remain open and transition it to a publicly run daycare?

Hon. Ms. McLean: I have stated that there are no plans to close the Teen Parent Centre. There has been no change to supports available to teen parents. The Teen Parent Access to Education Society operates and manages the daycare located at the Teen Parent Centre. Teen parents can also access free childcare at other licensed childcare facilities. We have made huge investments in childcare over the last couple of years. We are now leading the country in terms of our early learning and childcare programming. As I have stated, we acknowledge the Teen Parent Access to Education Society's many years of hard work.

The Teen Parent Access to Education Society is not currently in good standing with the *Societies Act*. We are supporting the society to work through these licensing matters. The society recently hosted a public meeting to plan for next steps, and we are working with them on options that are available. While the society is still not in good standing since the order was given, they are taking responsibility for childcare operations. Again, we value the work that this centre has done for Yukoners and will continue to support it.

Ms. White: So, while on the subject of the government failing to uphold their responsibilities in the education sector, it seems that the Gadzoosdaa student residence just around the corner is also falling apart. We know that the residence is severely understaffed to the point of putting both the students and the staff at risk. We know that the minister is reducing the funding allocated to the Gadzoosdaa residence. We also know that this residence is an essential service for the students who travel from communities to pursue their education.

The last time she was asked, the minister said that she was meeting with the advisory committee and was looking forward to the results of that. Madam Deputy Speaker, will the minister commit to students and parents that she will reinstate the former model of service instead of transforming this residence into what would essentially be a hostel for high school students?

Hon. Ms. McLean: Again, this is a very important service for young Yukoners and for families. I have stated in this House a few times now that we support the work that is being done at Gadzoosdaa. The annual operating budget is \$1.39 million, and this has not been reduced. There is no intent to close the residence and/or diminish the services that are available.

An advisory committee meeting was held on October 28 to discuss recent concerns raised and to identify immediate steps, as well as mid- to longer term actions that may be required. Financial and human resource allocations at Gadzoosdaa have, and continue to, remain stable. Additional resources are being provided while program evaluation is completed. The program evaluation will assess how the needs have changed since the residence opened and what is required for today's programming. First Nations and partners will be involved in this work.

I look forward to further meetings of the advisory committee. I have written letters back to the First Nation that has raised some concerns as well, just to clarify our government's continued support for Gadzoosdaa.

Question re: Fuel-wood supply

Mr. Istchenko: Since we asked about the cost of home heating fuel last week, we have seen the prices increase even more. The average home heating fuel prices in the Yukon are now more than 60 percent higher than they were last year, and we expect that it is probably going to go up this month again. We note that the price of fuel wood is going up too and that is if you can even get wood delivered at all in this Liberal-caused and -created supply crisis that we have here.

Well, now we have learned from the Yukon Utilities Board that Liberal energy decisions are going to increase the electricity rates as well. The simple fact is that the policies of this Liberal government are making life more expensive for Yukoners.

So, will the minister admit that the Liberal policies are causing serious issues for Yukoners heating their homes this winter?

Hon. Mr. Streicker: I think that there are two choices out there. One is that the Yukon Party presents their idea — invest in a liquefied natural gas plant. In the question where they talk about the price of fuel going up, they are suggesting that their best idea is to build an LNG plant to provide electricity. The prices for fossil fuels are going up. We want to move off of fossil fuels. That is why we think that investing in renewables across our communities is a great idea.

How about the grid-scale battery project, which is coming online now? That work is progressing. That is going to remove the need for four rented diesels. How about the work that is happening up on Haeckel Hill with new wind turbines? How about the work that is happening across our communities that are off grid? All of these are good projects. They are good projects to get us off of renewables.

I disagree with the Yukon Party. They think that the future is in fossil fuels. We do not.

Mr. Istchenko: Well, Madam Deputy Speaker, I don't think that Yukoners who are concerned about heating their homes this winter will find much comfort in that answer. It is more of the same old routine from this out-of-touch government.

For over a year, the Yukon Party asked the minister to start taking the issue of fuel-wood supply seriously, but all evidence shows that we were simply seeing increasing heating costs each month. Fuel wood remains in short supply as suppliers struggle during the poor harvesting window that the minister provided.

So, I am going to ask this again: When will the minister start treating this issue with the urgency it deserves and start taking action to solve the fuel-wood supply crisis that the Liberal government has created?

Hon. Mr. Streicker: There is a concern with fuel wood around the territory. I have acknowledged that. I have asked the forest resources branch to do all they can to increase supply for our harvesters, who are doing great work. We provided an incentive for harvesters. The Yukon Party said, "No, they don't want that." Actually, I have heard back from harvesters who say, "Thank you very much for that". We have given a rebate for the price of a cord of wood for Yukoners. We have increased by providing an extra 1,000 cubic metres in the Watson Lake

area for our main harvester there. We've just signed a contract to do the firebreak around the Quill Creek project, which will allow us to extend the time of year when that work can be done. There is a range of ways in which we are working to support our firewood harvesters, our suppliers, and the users of firewood here in the territory to help make it more affordable for all Yukoners moving forward.

Mr. Istchenko: While the minister continues to announce a bunch of subsidies that ignore the real problem, Yukoners who are concerned about heating their homes this winter are getting very frustrated with this government.

We live in the middle of a territory covered in forests, and this minister has actually managed to create a fuel-wood shortage. In typical Liberal fashion, his solution is to throw a bunch of money at the problem instead of fixing the real issue.

When will the minister address the real problem by eliminating the red tape that is holding back our commercial harvesters?

Hon. Mr. Streicker: I know that the Yukon Party is fond of calling YESAA "red tape". I know, as well, that they aren't very supportive of First Nation initiatives.

Look, I think it's important that we work under the rules of YESAA. I think it's important that we work with First Nations and we will do it working with the industry, the Yukon Wood Products Association, and all of our harvesters.

I just stood and said that we got a 1,000-cubic-metre cut lot available for our harvester in the Watson Lake area. When his permitted areas in BC were running out, we were happy to do that. We are happy to sit down with the First Nation and talk about creative ways to do more of that in the Watson Lake area. We are happy to work in the Quill Creek area and to try to extend the season for our cut lots to get more supply on line. It's really important.

I should also acknowledge that we have done a lot to address the cost of inflation around heating our homes. We gave a \$150 rebate when we were in this Legislative Assembly back in the spring. We've done that again this fall. So, for six months now, there has been \$50 off on our home electricity to try to bring down our heating costs.

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

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 16 — *Second Act to amend the Legal Profession Act, 2017 (2022)* — Third Reading

Clerk: Third reading, Bill No. 16, standing in the name of the Hon. Ms. McPhee.

Hon. Ms. McPhee: I move that Bill No. 16, entitled *Second Act to amend the Legal Profession Act, 2017 (2022)*, be now read a third time and do pass.

Deputy Speaker: It has been moved by the Minister of Justice that Bill No. 16, entitled *Second Act to amend the Legal Profession Act, 2017 (2022)*, be now read a third time and do pass.

Hon. Ms. McPhee: I will not be too long with respect to my presentation at third reading. I appreciate the members of the Assembly for their questions and contributions to the debate of this bill earlier at second reading and Committee of the Whole.

We are proposing in Bill No. 16, or what is known as "*Second Act to amend the Legal Profession Act, 2017 (2022)*", a number of small changes that will make the law more effective. The amendment before us today is necessary to support the law society's work in the public interest. The proposed amendments will ensure that the Law Society of Yukon can streamline its complaints process, provide an appeal process through that investigation stage, and provide statutory immunity to those who act in good faith on behalf of the society.

The amendments will ensure that the society and its staff and committee members are afforded the same protection from liability as all those in other Canadian jurisdictions. Every other Canadian jurisdiction but ours has this provision at the moment. Additionally, a streamlined complaints process supports the healthy operation of necessary Law Society of Yukon processes and promotes access to legal services and, by extension, justice and legal remedies. It also ensures that any person's complaint that is dismissed after initial investigation has the right of appeal. The amendments here presented in Bill No. 16 would allow the complaints process to operate more effectively without compromising a person's right to appeal a decision of their complaint.

The Department of Justice has worked to ensure that the amendments are compatible with the concerns that the Law Society of Yukon has raised for their operations and to ensure their work in the public interest. I would like to take the opportunity here to thank the law society executive, staff, experts, and their committees who have brought forward these concerns in the attempt to have the legislation that governs their operations in the public interest be as modern and effective as possible.

With respect to implementation, we are proposing to bring the amendment into force upon assent. This will allow the Law Society of Yukon to implement its processes as intended as quickly as possible.

Lastly, I recommend that the members of this Assembly — I'm encouraging them to support the passing of Bill No. 16. I expect unanimous consent for the *Second Act to amend the Legal Profession Act, 2017(2022)*. The support, questions, and comments by Members of the Legislative Assembly have been very appreciated and worked to get us to this stage of this process, which I truly appreciate on behalf of those who have worked on this piece of legislation — the staff and experts at the Department of Justice, as well as those who have guided this process at the Law Society of Yukon.

Mr. Cathers: It is interesting that the minister's speech at third reading does not really reflect the debate that has occurred with regard to this legislation. I just want to note that, with regard to the content of the legislation, our concern is less with the content than with the question around the involvement of ministers and whether they followed mandate letters.

We recognize that there was a letter from the law society making a request of the government that the minister shared with us partway through the debate, and we do acknowledge that request that relates to the content of the bill. However, one thing that we have unfortunately established throughout this — through the minister refusing to provide an answer to questions that we asked — is that it seems that ministers did not — two ministers I should be clear about, the Minister of Justice and the Member for Riverdale North — do not appear to have followed their mandate letters from the Premier which required them to proactively seek advice from the conflicts commissioner.

I read excerpts from those letters earlier during debate, and I would note that what this relates to is the fact that both ministers are, according to their own statements, members of the legal profession, and this bill is amending legislation governing the profession of which they are members. In a situation such as that, Madam Deputy Speaker, it is incumbent upon ministers to consult with the Conflict of Interest Commissioner, as their own mandate letters indicate they should, prior to involvement in the discussion leading up to changes and the finalization of those decisions that amend legislation governing the profession of which they are members.

The fact that two ministers refused to indicate whether they sought that advice from the Conflict of Interest Commissioner does seem to answer the question, unindicated, in the negative. Had they sought that advice and received the go-ahead from the Conflict of Interest Commissioner to be involved in this legislation, then one would think that they would be eager to share that advice.

As I indicated before, we are not, at this point, in a position to say whether indeed there was a conflict of interest that occurred. What we can conclusively say is that ministers should have done as their mandate letters indicated and sought the advice of the conflicts commissioner prior to being involved in discussions related to legislation affecting the profession of which they are members — and then, only if cleared by the Conflict of Interest Commissioner, be involved in those discussions, should they have done so.

I wrote to both the Minister of Justice and the MLA for Riverdale North. I received a response from the Minister of Justice earlier, refusing to answer the question, demonstrating a disturbing lack of accountability to the public and this Legislative Assembly, and I received then, at 12:37 today — finally, I received a response from the Member for Riverdale North in response to my inquiry about whether he had sought the advice of the Conflict of Interest Commissioner prior to involving himself in discussions related to this legislation. I will just read from that e-mail in response to my letter and then table it. He wrote to me, oddly, by my first name, which is somewhat strange in formal correspondence — but fine — indicating that:

“With respect to your letter and inquiry, I can advise that I have satisfied myself that as a Member or as a minister, I would not be in conflict of interest under the Conflict of Interest (Members and Ministers) Act because of either participating in the debate about or voting on the Bill. Regards...” — and then signed by the Member for Riverdale North, who is also Minister of Environment and Minister of Highways and Public Works.

Unfortunately, the response misses the point or deliberately avoided answering the question. The question, with regard to both ministers, is whether they sought the advice from the Conflict of Interest Commissioner prior to being involved in discussions of this legislation and, if so, if the Conflict of Interest Commissioner indicated that it was fine for them to participate and that it did not constitute a conflict. The issue at hand is that ministers are supposed to — in fact, their own mandate letters require them to — proactively consult with the Conflict of Interest Commissioner. It is not the role of individual members to determine and decide whether or not they are in a conflict of interest, especially when their mandate letters indicate that they should be asking the Conflict of Interest Commissioner for advice first.

So, Madam Deputy Speaker, what we do unfortunately have through the failure by ministers to answer the questions that I asked in the affirmative — they have failed to confirm that they sought the advice of the conflicts commissioner and failed to provide that advice, and I would note that a minister would undoubtedly be all too happy to provide that information if they had followed the steps that they should. They would be undoubtedly more than happy to confirm that the Conflict of Interest Commissioner had indeed cleared them to be involved in this.

It is, again, not clear whether there's an actual conflict of interest, but it is clear that ministers have failed to follow the mandate letters and failed to meet the standard of accountability that people should have a right to expect from those two ministers in this instance.

Madam Deputy Speaker, this is also at a time where we're seeing a bit of a disturbing pattern from this government, including, particularly, certain ministers of — a pattern of not always complying with legislation. The Minister of Health and Social Services wrote —

Some Hon. Member: (Inaudible)

Point of order

Deputy Speaker: Government House Leader, on a point of order.

Hon. Mr. Streicker: The member opposite just suggested that the government is not following the law. I believe that we recently had a ruling from the Speaker talking about opinions around this — that we should not be indicating directly that the government is not following the law, and I think that it's under Standing Order 19(g).

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

Mr. Cathers: The minister seems to have a very selective and off-kilter memory of what the Speaker actually

said in that ruling, which included a reference, because of the importance of these matters, that they could be raised by members. I would reference also that I was making reference to what the Public Accounts said in making a statement that the member took issue with. I don't believe there's a point of order; the minister is just very touchy on this subject.

Deputy Speaker's ruling

Deputy Speaker: There is no point of order.
Member for Lake Laberge.

Mr. Cathers: Thank you, Madam Deputy Speaker. I would just note that it's not me saying that the Minister of Health and Social Services broke the *Financial Administration Act*; it's the Public Accounts —

Deputy Speaker: Order.

Deputy Speaker's statement

Deputy Speaker: I would ask that members not accuse other members of breaking the law.
Member for Lake Laberge.

Mr. Cathers: Thank you, Madam Deputy Speaker. I am a little confused at your ruling compared to the previous Speaker's ruling. They appear to say different things.

I will just note, Madam Deputy Speaker, that — I would encourage members to read the —

Some Hon. Member: (Inaudible)

Point of order

Deputy Speaker: Third Party House Leader, on a point of order.

Ms. Tredger: There is a procedure for appealing Speaker rulings. I would ask that members follow it if they are going to question Speaker's rulings.

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

Mr. Cathers: Madam Deputy Speaker, I don't think that was a point of order. I wasn't challenging your ruling; I was just trying to understand it.

Deputy Speaker's statement

Deputy Speaker: The Speaker's rulings are final.
Member for Lake Laberge.

Mr. Cathers: Thank you, Madam Deputy Speaker. Again, I appreciate that we are hearing from members of the government side that they are very sensitive on this issue regarding the *Financial Administration Act*, the *Corrections Act*, and the *Child and Youth Advocate Act* — all of which this government has been out of step with and failed to comply with in the past year. Compliance with the law is a serious matter and it is something that ministers are, in fact, expected to do.

Again, with regard to the content of the legislation itself, we have far less concern with the content than the conduct of individual ministers and the issue that they appear to not have complied with their mandate letters. I will table the e-mail that I received from the Member for Riverdale North earlier today

with regard to this for the record of members. I would encourage all members to read the audited Public Accounts.

Ms. White: The NDP will be supporting this legislative amendment. We do thank the minister for the debate, including the assurance that an appeal process still exists if someone wasn't happy with what the tribunal found. We understand that this process came about due to a request from the legal community. We appreciate the speed with which this has been done, and we look forward to the law society being able to better manage or facilitate their time with very tight resources. The NDP will be supporting this bill.

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

Does any other member wish to be heard?

Hon. Ms. McPhee: Thank you very much, Madam Deputy Speaker. Thank you very much to the Third Party for their comments and questions during debate and for the support going forward.

I certainly hope that, despite the unnecessary distraction by the Member for Lake Laberge — which, of course, is fuelled by innuendo that the Yukon Party is unfortunately not only permitted to do here but is quite interested in doing it on all occasions. The Member for Lake Laberge failed to, for some reason, despite the fact that the letter that I responded to his request was — read the sentence where I clearly said I'm abiding by my mandate letter. I think that's all that needs to be said about this. There is no conflict of interest. There isn't with respect to this bill, with respect to the last bill, and with respect to the original new bill introducing the new *Legal Profession Act*, which was back in 2018, I believe. In any event, I appreciate all of the support and the important questions that were brought forward about the actual bill. I look forward to support.

Deputy Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Deputy Speaker: Division has been called.

Bells

Deputy 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. Tredger: Agree.

Clerk: Madam Deputy Speaker, the results are 16 yeas, nil nays.

Deputy Speaker: The yeas have it.

I declare the motion carried.

Motion for third reading of Bill No. 16 agreed to

Deputy Speaker: I declare that Bill No. 16 has passed this House.

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

Deputy 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

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

All Hon. Members: Agreed.

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

Recess

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

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

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

Hon. Mr. Clarke: I think we are here for day eight, perhaps.

Beside me, to my left, we have the chief veterinary officer, Mary Vanderkop. Welcome back to the Assembly. To my right, I have Manon Moreau, the Deputy Minister of Environment.

I don't have a great deal to say, except that I certainly look forward to getting to line-by-line debate. If the members opposite continue to have questions, I don't believe that their ability to ask those questions are circumscribed in any meaningful way. I must confess — you live and learn, but I was under the impression two days ago when the Member for Lake Laberge sat down that there was an intention at that time to finish general debate and to go to line-by-line debate. I am

mistaken. Live and learn — I won't make that error as well, but I have certainly heard, during the course of these seven days, the member opposite talk about promises made to the Assembly that don't even exist.

All I would say is that, generally speaking, where there can be some informal agreement on procedural matters, I will certainly try to make those agreements where no rights or privileges are compromised.

A number of times, a few afternoons ago, the member opposite went on about promises about speaking lengths. Although I certainly agree that the Standing Committee on Rules, Elections and Privileges can gather at the call of the chair and review that. That may very well be where certain additional rules are made with respect to Committee of the Whole — sure — but for the Member for Lake Laberge to assert that, on a number of occasions, it was some sort of promise — a pinky promise — that the MLAs had made with respect to speaking lengths — but I am certainly open to abiding by the wisdom of decisions that are made by the Standing Committee on Rules, Elections and Privileges. All to say is that I did believe that we had an agreement to proceed to line-by-line debate, but if that is not the case, then I look forward to further questions.

Mr. Cathers: So, the minister has indicated — we have had a number of days of debate on this legislation. The starting point — I would just mention to recap for anyone joining in now — is that the minister and his colleague, for some reason, chose not to share this legislation with stakeholders whose lives and livelihoods would be directly affected by the details of it. There has now been a list of seven stakeholders that I am aware of — possibly more — who have written letters to the government regarding this, asking for consultation. Some have been very clear and very explicit in wanting to see consultation on the details of this legislation and have asked for that, respectfully, from this government. Some have expressed concerns that they feel their views were not, in fact, reflected by government during the earlier consultation, and they were upset by the lack of consultation since. Ultimately, the minister to date, rather than being willing to press the pause button on this legislation — legislation that he admits himself would not come into force until spring at the earliest due to regulation development timelines — the minister, for some reason, has been insistent on charging ahead rather than consulting with stakeholders.

The minister acknowledged — first, he was unable to point to anywhere in section 41 of the act, or anywhere else, that created an exception to the rules set out in there, which appeared to make it illegal to have any animal off your property or out of a vehicle, and it would be illegal to be on public property at all times. The minister was first unable to point to another section in the act that created an allowance, and then he suggested that it was maybe a typographical error, and then he said that they were going to look at it in more detail, and then the minister, on the next day, indicated that they would be bringing forward an amendment.

When we last debated this legislation on November 3, the minister indicated, on page 2552, that he would be bringing forward an amendment to this section, and I asked the minister

to share a copy of that proposed amendment before we entered the line-by-line debate. We had a little bit of a debate there. The minister, at the time, seemed willing to do that, and then he himself moved that the Chair report progress on the bill. So, that was Thursday. We didn't receive anything later on Thursday; we didn't receive anything on Friday, or over the weekend, or today.

So, can the minister explain why he hasn't shared the amendment that he is going to be proposing with members yesterday, as he seemed to be indicating he was willing to do on Thursday, and how he thinks that this is in the best interest of debate in the Assembly for him to not provide us with a copy of that revision to the legislation that he tabled at the earliest opportunity?

Hon. Mr. Clarke: With respect to consultation, I would commend those listening — and for those reading Hansard on a later date — to review the prior seven days of proceedings with respect to the significant outline that I have provided with respect to consultation and steps going forward.

With respect to the amendment, I will provide the amendment to members opposite when we get into line-by-line debate.

Mr. Cathers: Madam Chair, we covered this issue the other day. It's unfortunate that the minister is insisting that he won't share this copy of the amendment before line-by-line debate on section 41.

As I noted to the minister at the time, depending on what he is proposing to change, it is possible that it might have an effect earlier in the act and lead to either questions or possible suggested changes from members. As I gave the example in pointing out that when we were looking at potential changes to that section of the act, one of the approaches was that we had referenced the definition of "at large", which is contained earlier in the legislation. I don't know if the minister's amendment contains that reference or reference to another part of the act, and it is because the minister has unfortunately chosen not to share it, despite the repeated requests on Thursday afternoon.

The minister knows that there is a requirement in our Standing Orders for government to table all legislation within the first five sitting days. Part of the reason for that is to provide members with an understanding of what the business is before the Sitting length gets set. The other part of that is to provide non-government MLAs with the time to read the legislation and try to understand its effect. This is an area where, by the minister's own admission, he made a mistake. The effect of the mistake that he made in section 41, had it been passed in its current form — has a significant impact on a great many Yukoners because it made horse riding on public property, dog mushing off private property, walking your dog on a leash off private property, walking your dog loose off private property, and a whole host of other activities unlawful according to this legislation.

Now, he has acknowledged that there is a mistake. He has told us that he is going to propose changes to fix it, but unfortunately, we know that the minister has a copy of it. The minister could, if he had a copy of it Thursday — there's

nothing other than stubbornness and a lack of willingness to work with members on this side of the Assembly that is preventing the minister from sending over a copy to each and every member of the proposed changes to section 41. This is something that is affecting the lives of Yukoners. This legislation has raised concerns. There is a list of seven stakeholders that I'm aware of, including farmers, outfitters, dog mushers, and municipalities — one municipality on its own has now written as well — all expressing concerns about the impacts to them and asking for consultation on the details.

The minister claimed — he admitted that they forgot to consult with the outfitters, which is rather strange, considering that his department and his predecessor, as minister, deal with outfitters regularly as part of regulating their business. This is an industry that, according to the Yukon Outfitters Association's website — "... provide 150 Yukoners with jobs and spend over \$8 million annually in the territory, much of it going to small businesses in the communities." That is a quote from their website. The minister claims that, under his predecessor, the government just forgot to consult with them.

So, we have had a lot of conversation about stakeholders here to date. There have been requests made to the minister by stakeholders and by us for him to consult with them. Can the minister tell us what he has actually done in terms of reaching out to stakeholders since this legislation has become controversial in the Legislative Assembly?

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

Our next steps prior to finalizing the regulations is to reach out to each of the key stakeholders mentioned earlier, seeking their input. The public input, as I have outlined previously, demonstrates substantial support to improve animal welfare standards and set control requirements across the territory. I can advise that the animal health unit and the chief veterinary officer have reached out to all the indicated stakeholders and that our office has spoken to the Town of Watson Lake, the Yukon Agricultural Association, the Yukon Outfitters Association, and the Association of Yukon Communities. We left a message for the Dog Mushers Association. We phoned the GOOFY board and have spoken to the Dawson humane society.

With respect to the Agricultural Association, we've spoken to both the president and the executive director. We've been in touch with the Wilderness Tourism Association, as well, and the Minister of Energy, Mines and Resources spoke with the Yukon Agricultural Association at their AGM on Saturday.

Mr. Cathers: Well, Madam Chair, unfortunately, it looks like the minister is trying to check the box "consultation",

but in contrast, just to briefly summarize, we have the Growers of Organic Food respectfully requesting debate on the legislation — from their letter, I should say: “... respectfully request that debate on the legislation be halted for a reasonable period of time to allow us to review it thoroughly.”

The Yukon Outfitters Association, in their letter, said: “... we are disappointed that we were not consulted on the contents or details of this legislation.”

The Yukon Dog Mushers Association followed up the minister’s phone message, saying — and I will quote from the letter that my colleague tabled earlier: “It does seem a bit late to reach out, but we would be interested to meet with you and the Chief Veterinarian Officer. We are upset that we are not being heard. We attended a meeting in 2019 and our concerns were not addressed up to that time. We would suggest that a meeting be conducted with all of our members present. The legislation appears to be very complicated and our members have not had a chance to go through all of it. This time of year is a very busy time of year for our members as most of us are now conditioning our teams for racing with the longest miles we will do all year. We will need to give our members some advance notice of a meeting.”

Last but not least, I was also at the agriculture dinner and talked to board members, including the president of the Yukon Agricultural Association, and there was no indication that they are satisfied with the government at this point in time. There is still a request for consultation on details, and drawing forward to our current situation, we have the minister still refusing to share the section of the legislation that he said he is going to make an amendment to.

So, with that, Deputy Chair, I move that you report progress.

Deputy Chair (Ms. Tredger): It has been moved by the Member for Lake Laberge that the Chair report progress.

Are you agreed?

Some Hon. Members: Count.

Count

Deputy Chair: A count has been called. We will ring the bells for two minutes.

Bells

Deputy Chair: All those in favour, please rise.

Members rise

Deputy Chair: All those opposed, please rise.

Members rise

Deputy Chair: The results are seven yea, nine nay.

Motion for the Chair to report progress negatived

Deputy Chair: Is there any further general debate on Bill No. 20, entitled *Animal Protection and Control Act*?

Hon. Mr. Clarke: I am just waiting for my officials to arrive.

A major focus of the new act is to improve animal control across the Yukon, not just the welfare of animals in our lives. We heard and responded with provisions in the act to

communities that expressed significant concerns about public safety and the ability to prevent damage to the environment caused by animals not under control.

I would like to thank the Member for Lake Laberge for drawing our attention to section 41. We have discussed the questions with our legal team and agree that there is a need for clarification to meet our intention. With respect to the questions raised, we are proposing a friendly amendment to the section, which I will get to later.

As I have stated several times, the government has been working for several years to develop this new legislation. Our consultation was thorough. The public input demonstrated substantial support to improve animal welfare standards and to set control requirements across the territory. Our discussions with key stakeholders and receiving feedback are vital, but so is it from the public at large. Without this new act and its forthcoming regulations, the Government of Yukon will fail to address long-standing concerns of Yukoners about the enforcement of animal laws in the territory. We will fail to mitigate risks that uncontrolled animals pose to public health and safety, the environment, and property.

Approval of the bill is essential to take this next step to develop the regulations. As I have indicated, the act will not come into force until the regulations are developed and passed. Critical to this is our engagement with affected stakeholders. Their additional involvement and feedback will ensure that the regulations reflect Yukon values and way of life. We look forward to re-engaging with key stakeholders on the specifics like standards of care for domestic animals, religious ritual slaughter to produce halal or kosher meat, cosmetic surgeries, and exotic animals.

Important stakeholders include but are not limited to veterinarians, pet store owners, Association of Yukon Communities, Yukon Muslim Society, the Jewish Cultural Society of Yukon, Wilderness Tourism Association of the Yukon, the Yukon Dog Mushers Association, the Yukon Outfitters Association, Yukon Agricultural Association, Growers of Organic Food Yukon, and the Klondike Farmers’ Forum. We will also consult and have targeted consulting again with First Nations, municipal governments, and local area groups.

As a high-level summary, the *Animal Protection and Control Act* will fill the current gaps in Yukon’s legislation, enabling effective management for exotic animals, high-risk animals, and feral animals, and address the growing concerns about animal hoarding. It will provide greater authorities and powers for enforcement officers aligned with clear roles and responsibilities between the Department of Environment and the Department of Energy, Mines and Resources, which may reduce administrative burdens and resources required to control escaped livestock. It will empower communities to take ownership of animal control enforcement and reduce public safety risks in Yukon communities. It will clarify and expand on the standard of care that owners are required to provide for their animals, including setting requirements for killing animals humanely, thus raising the bar for animal welfare, and it will create an effective framework for managing animal rescues and

other animal-related business, in turn reducing the extent to which the public would need to rely on civil litigation to address concerns with their operation.

The *Animal Protection and Control Act* modernizes the legal framework for animal protection and control in the Yukon. It fills the existing gaps and challenges that we currently face around enforceability and will improve animal welfare and care standards in the Yukon to keep pace with other Canadian jurisdictions.

Animals are vitally important to Yukoners. The Government of Yukon supports animal owners to be responsible stewards of domestic animals, both livestock and companion animals, and therefore, we are committed to updating and improving animal protection and control laws.

The act allows for regulating specific types of animals, permitting and prohibiting ownership of animals of designated species. Typically, exotic animals will be defined in the regulation. I would like to assure Yukoners, again, that this legislation is not a tool to ban or restrict the ownership of breeds of animals such as dogs. Prohibited species are those that threaten public safety or the integrity of the environment, such as large carnivores, venomous reptiles, or invasive species.

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

The new act also meets the expectations of Yukoners by regulating animal-related operations, including pet stores, boarding facilities, and animal rescues, through a permitting process. The intention of this permitting requirement is not to interfere with the operations of these facilities but to bring comfort to Yukoners that welfare standards are being met and inspected for in these facilities.

I might just leave it there, but I just have a few comments.

Firstly, I look forward to — because I know that the Member for Lake Laberge, a number of days ago, asked some fairly germane questions about sections of the act. If he has some of those questions left to ask, we have the subject matter professionals here and available to respond to that.

I would also indicate that my outreach to the various interested organizations during the course of this Committee of the Whole debate is certainly not intended to substitute for consultation whatsoever; it's reaching out to all these organizations indicating my government's commitment to direct targeted consultation of both the Department of Environment and the Department of Energy, Mines and Resources Agriculture branch to continue with the fantastic work that they have all done so far and to continue with that work going forward.

It's my role, as the Minister of Environment, co-sponsored with the Minister of Energy, Mines and Resources, to assure those organizations that this is the commitment. As I have said a number of times during the course of the prior seven days, I have no intention of there being, if at all possible, unintended consequences, undue additional regulatory burden, or any unintended negative economic impacts to any of the

organizations that we are liaising with. So, I maintain that, as I said over the course of the last seven days, and I will continue to provide that message to Yukoners listening and reading in Hansard later. That is my commitment, and that's the commitment of the subject-matter experts at the Department of Environment animal health unit and others and the commitment of the Agriculture branch at Energy, Mines and Resources.

This is the first step and we will move forward.

To the extent that I'm able to agree with the Member for Lake Laberge, I do agree that my outreach during this debate is not intended at all to substitute for consultation; it's rather to provide some assurances of the intention of this government with respect to the targeted consultation and the drafting of regulations.

I look forward to finishing general debate and getting to line-by-line debate.

Mr. Cathers: At this point, I'm not going say much more in general debate. We have spent a number of days on this. It is unfortunate that the minister has created a time crisis that is entirely artificial in nature. The minister, by his own admission, acknowledged that, even if this legislation were passed, it would not come into force until the spring of 2023. That would certainly allow consultation on the legislation that a number of stakeholder organizations have asked for. We have recapped that. I went through that in some detail earlier. It wouldn't be a good use of the House's time, since we do need to get to other matters, including the budget, for me to list all those concerns once again. They stand on the record.

This minister and this government did a high-level consultation several years ago. They didn't think that they should consult on the details of this legislation with the stakeholders who are affected by it most. Then when they received requests from those stakeholders for consultation, they refused those requests. After days of criticism in the Legislative Assembly, they finally relented with an after-the-fact attempt by the minister to make some phone calls that seemed to be about the pretense of consultation. We understand from the feedback we have heard from stakeholders that those phone calls largely asked those stakeholders to put out a full list of concerns and questions at that point, to which stakeholders replied something to the effect of the fact that they hadn't had a chance to go through the details and didn't actually understand the legislation yet, and the minister seemed to consider that a successful consultation.

We know that the government is going to be resistant to consulting. That is unfortunate. It is unfortunate that they are dismissing the requests — both polite and insistent — from stakeholders who have asked for consultation. We will allow this to proceed to line-by-line debate, unless the Third Party has additional questions, simply because we must get on to other matters.

The bottom line is — and the minister knows it — that there is absolutely no reason why this government couldn't listen to the Yukoners who are asking for consultation on this legislation, pause the bill, and consult with them on the details of the legislation affecting their lives and livelihoods. The only

reason to dismiss that request is a refusal to lose face — and arrogance.

Chair (Ms. Blake): Is there any further general debate on Bill No. 20, entitled *Animal Protection and Control Act*?

Seeing none, we will proceed to 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 Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

Mr. Cathers: Section 14 is “enter without a warrant”. As members will recall, we have expressed concern with the ability to enter a house or “dwelling place”, as it’s referred to in the act, under certain circumstances without a warrant. We have also expressed the view, just as we did in the *Animal Health Act* in 2013, that because of the increasing accessibility of telecommunications in this modern era, the ability for an officer to apply for a telewarrant exists, and therefore, the Yukon Party caucus will be voting against clause 14 of this bill and hoping that it is defeated from this legislation.

Hon. Mr. Clarke: I am not going to go into a lot of detail on this. We have probably spent the better part of two hours on this topic some time ago. I once again commend members — Yukon citizens listening now or listening to Hansard later — to review the debate that occurred between the Member for Lake Laberge and me. But briefly, I would point out that the highest level — hopefully not trying to get into a big debate right now — that section 4 of the *Animal Protection Act*, the predecessor of this proposed legislation, brought forward and presented to the House by the then-Minister of Energy, Mines and Resources, the now Member for Lake Laberge — because I don’t want to get into excruciating detail on this because we are just going to go back to where we were six or seven days ago, but the bottom line is that the wording of section 4 of the *Animal Protection Act*, supported by the then-

Minister of Energy, Mines and Resources, the Member for Lake Laberge, in 2008, when he provided his supporting speech — I imagine that it was likely in second reading — indicating that he recognized that, in certain exigent or emergency circumstances, it would be necessary for the RCMP to enter a residence without a warrant.

In fairness, he recognized that should be a limited circumstance, and I don’t disagree that, generally speaking, telewarrants or warrants before a JP should be readily available so that this will not occur very frequently, but that is exactly what the then-minister, the current Member for Lake Laberge, said in 2008. The standard to get a warrant in 2008 was that an animal be in “distress”. The standard now — first of all, for getting a warrant — is that an animal be in “severe distress”.

We heard some position taken by the member opposite that this legislation was somehow — and really kind of inexplicably — reducing the legal test for getting or for warrantless entry to some unacceptably low threshold, which is, in fairness, a bit of a bear that he has poked with Yukoners, as far as there being now an assertion under this new act of there being government overreach. And although those aren’t the only issues that will have to be dealt with, with user groups and Yukoners, as we draft progressive regulations, there was an undercurrent of alleging overreach, which is not supported by a comparison of the *Animal Protection Act* of 2008 and the proposed *Animal Protection and Control Act* of 2022; it doesn’t add up.

I could go on, but it really will just then be Groundhog Day from six or seven days ago. What I accept from the member opposite, the Member for Lake Laberge, is that, in this time of electronic communication — instant communication — it should be possible to get telewarrants fairly readily or even to attend before a JP or a Supreme Court Judge or Territorial Court Judge fairly readily. I don’t disagree with that, but I think the assertion that this is somehow different and that this is now much less Charter-compliant or subject to greater Charter review under section 8 of the Charter, for those listening today, is not borne out by a comparison of the two pieces of legislation.

So, severe distress — in order to get a warrant, there has to be evidence of severe distress. You cannot have a warrantless search unless the conditions — unless there are exigent circumstances and the conditions are borne out that you could have gotten a warrant otherwise but for the exigent or emergency circumstances. So, it’s the same, but actually, it’s creating an even slightly higher standard of “severe distress”.

I think that is probably enough. The Member for Lake Laberge has put forward his position.

Chair: Is there any further debate on clause 14?

Shall clause 14 carry?

Some Hon. Members: Count.

Count

Chair: A count has been called.

Bells

Chair: All those in favour, please rise.

Members rise

Chair: All those opposed, please rise.

Members rise

Chair: The results are nine yea, seven nay.

Clause 14 agreed to

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 15 through 33 of Bill No. 20, entitled *Animal Protection and Control Act*, read and agreed to.

Unanimous consent re deeming clauses 15 through 33 read and agreed to

Chair: The Member for Takhini-Kopper King has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 15 through 33 of Bill No. 20, entitled *Animal Protection and Control Act*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

*Clauses 15 through 33 deemed read and agreed to
On Clause 34*

Ms. Tredger: This is a section that deals with humane killing of animals and, in particular, the slaughtering of animals, which we have had some discussion on during Committee of the Whole. This is important because the section, as it is, puts restrictions on the practice of exsanguination without prior, simultaneous loss of consciousness, which is a component of halal and kosher slaughtering. I want to propose an amendment to this section. I have the copies here. I will let everyone get their copy and then I can speak to it.

While it is being passed out, I will read the text of the amendment.

Amendment proposed

Ms. Tredger: I move:

THAT Bill No. 20, entitled *Animal Protection and Control Act*, be amended in clause 34 at page 23 in paragraph 3(c) by adding after the phrase “or guidelines prescribed or adopted by the regulations” the phrase “which must allow for reasonable ability to follow cultural or religious practices for animal slaughtering”.

Chair: The amendment is in order.

It has been moved by the Member for Whitehorse Centre:

THAT Bill No. 20, entitled *Animal Protection and Control Act*, be amended in clause 34 at page 23 in paragraph 3(c) by adding after the phrase “or guidelines prescribed or adopted by the regulations” the phrase “which must allow for reasonable ability to follow cultural or religious practices for animal slaughtering”.

Chair: Is there any debate on the amendment to clause 34?

Ms. Tredger: So, this amendment is to address concerns that I have had with speaking to people in the Muslim community, in particular, about the way the legislation is

structured right now. Currently, it prohibits exsanguination without prior or simultaneous loss of consciousness — so that is slaughter without stunning — and then allows it under regulations.

I know that the intent of this government is to allow it under regulations — in a manner following or consistent with — I guess, mirroring the federal guidelines — and I think that is a good intent. I think it is a good way of doing it. However, the legislation, as it is right now, makes no guarantee that it will be the case.

I believe this government, when it says that’s its intent, it doesn’t give us any security against changes in future governments or future times. Regulations can be changed without debate or scrutiny in the legislation.

I think it is not an unfounded concern that there may be restrictions on religious freedoms in the future by governments and they might like to do that without scrutiny. We are in a time of incredible Islamophobia in Canada. To point to a few things we could talk about, just over a year ago, in 2021, a family of four was killed in a premeditated attack that was based on them being Muslim. We could look to Bill No. 21 in Québec, which prohibits people from participating in public jobs if they are displaying religious symbols, which of course, very specifically targets Muslim women. Religious freedoms are being rolled back in different places across the country. I think it is a very valid concern that people are worried that could happen here and want certainty that it won’t.

I have referred to Islamophobia. Anti-Semitism is also not going away and is, in fact, on the rise. We saw an increase in the number of anti-Semitic hate crimes in Canada in 2019, and there’s no reason to think that this has changed since. In fact, the Leader of the Official Opposition has a few motions on the books regarding this. In particular, on April 25 of this year, he moved that this House urges the Government of Yukon to condemn anti-Semitism and all forms of religious discrimination. I absolutely agree, and if we are going to condemn this in other people, it’s essential that we scrutinize our own laws and our own decisions to make sure that these are also not providing for the possibility of religious discrimination.

Everybody wants animals to be humanely treated. I have heard no one who disagrees with that premise. Everyone who I have talked to is comfortable with reasonable restrictions on practices such as exsanguination without prior stunning. Everyone seems happy with the idea that regulations will mirror the federal regulations, but there must be assurances that this doesn’t change under a future government and that these religious rights are protected. Currently, this legislation doesn’t guarantee that.

So, this amendment would require the regulations to still allow for these cultural and religious practices. It still allows for regulations restricting how that’s done, which means that this and future governments can make sure that these practices are done in a humane way, that they’re done in a safe way, and that they’re done by people who are qualified, but it does not allow for regulatory changes in the future that would prohibit these practices outright. We believe that this amendment

achieves the current goal of the legislation while still enshrining the right to religious practices. I hope that everyone will join me in supporting it.

Hon. Mr. Streicker: It has been our practice to allow for a brief recess in the Assembly when we get amendments to pieces of legislation like that. So, if I might request — or if you could request a 10-minute recess, that would be much appreciated.

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: Is there any further debate on the amendment to clause 34?

Hon. Mr. Clarke: Caucus has had an opportunity to review the amendment proposed by the Member for Whitehorse Centre, and although we believe that the general section this would apply to is 34(3)(c)(v) and that it could potentially just apply to that, recognizing that there may be all manner of fact patterns and cultural or religious practices that could be captured by the other subsections, I suppose, we are prepared to support the proposed amendment.

Ms. White: I do thank the minister and his caucus for that. In the conversation with the imam, one of the big concerns, of course, is that regulations aren't discussed in a place like this Assembly. So, when my colleague was having conversations and he understood that, his concern was what could happen under future governments, which we have discussed in this Chamber before. I think that this is really important for that — in terms of that it is future-proofing it to make sure that this isn't inadvertently changed, no matter the temperament of governments in the future.

So, thank you for the minister's statements.

Mr. Dixon: I appreciate the opportunity to speak to the amendment. I certainly agree with the intent of the amendment and I appreciate the Member for Whitehorse Centre bringing it forward. I do think this is a perfect example of why consulting groups before the tabling of the bill — on this bill — would have been useful. So, if groups had a chance to review the legislation thoroughly in advance, I don't think that this amendment would have been necessary.

I do want to confess that I have a bit of a worry with some of the wording. I do note that the term "cultural practices" is something that I don't think is well-defined, and I am a bit concerned with what that might mean for the legislation going forward, but I do note that the government seems to support it. So, if that is the case, I assume that they have had advice suggesting to them that the definition of "cultural practices" is something that is un concerning to them.

I would note that it is the type of language that would typically raise some level of attention when it comes into law. I do have some trepidation about the wording which would lead me to not be in favour of the amendment, but it sounds like it does have the support to pass. We will listen to hear if there is

any further input from members, but at this point, I am a bit concerned about the excessive vagueness of the amendment, and I am a bit worried about what ramifications it could have down the road. So, I don't, at face value, support the amendment. I certainly appreciate the intent. I certainly agree with the intent and the protection of religious rights, but I am a bit concerned about the lack of definition around "cultural practices" that leads me to be skeptical of the amendment. Ultimately, I will likely vote against the amendment.

Hon. Mr. Streicker: This is about the ability for cultural and religious practices around animal slaughtering. When it comes to halal and kosher slaughtering, the people who are appropriately trained, using national standards, do so in a way that is even better than the normal slaughter standards that we have to make sure that slaughter is happening in a humane fashion. In other words, those religious groups — when doing that slaughter, it is done in a way that is as humane as normal slaughter practices or even more. That's the type of training that they go through — or the requirements.

The minister has indicated that the intention is to go with those national types of standards. I know that we have had communications with the Agriculture branch and with various religious communities about this. Our indication to them all along has been that we will go with those national standards that are already set out here in Canada, but I think this amendment is saying that we need to allow for this through the regulations.

So, given that this is our intention, I hope that the Official Opposition will see that this is just ensuring that we are going to have a regulation that allows for this.

Chair: Is there any further debate on the amendment to clause 34?

Amendment to Clause 34 agreed to

Clause 34, as amended, agreed to

On Clause 35

Clause 35 agreed to

On Clause 36

Clause 36 agreed to

On Clause 37

Clause 37 agreed to

On Clause 38

Clause 38 agreed to

On Clause 39

Clause 39 agreed to

On Clause 40

Clause 40 agreed to

On Clause 41

Amendment proposed

Hon. Mr. Clarke: I move:

THAT Bill No. 20, entitled *Animal Protection and Control Act*, be amended by replacing clause 41 at page 27 with the following:

THAT Bill No. 20, entitled *Animal Protection and Control Act*, be amended by replacing clause 41 at page 27 with the following:

41 Duties of owners

- (1) 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; or
- (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 onto
- (A) public property, including a highway or a right-of-way,
- or
- (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 of these resources or their suitability to sustain wildlife populations, or
- (vii) have any other negative effect prescribed by the regulations.
- (2) Subparagraph (1)(b)(ii) does not apply to an animal that is controlling or eliminating a pest.
- (3) The owner of an animal must comply with any requirements for the control of animals prescribed by the regulations.

Chair: The amendment is in order.

It has been moved by the Member for Riverdale North:

THAT Bill No. 20, entitled *Animal Protection and Control Act*, be amended by replacing clause 41 at page 27 with the following:

41 Duties of owners

- (1) 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; or
- (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 onto
- (A) public property, including a highway or a right-of-way,
- or
- (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 of these resources or their suitability to sustain wildlife populations, or
- (vii) have any other negative effect prescribed by the regulations.
- (2) Subparagraph (1)(b)(ii) does not apply to an animal that is controlling or eliminating a pest.
- (3) The owner of an animal must comply with any requirements for the control of animals prescribed by the regulations.

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.

Is there any debate on the amendment to clause 41?

Hon. Mr. Clarke: With respect to the issues raised with respect to section 41, we are proposing the following, I hope, friendly — but in any event, I believe it is a constructive amendment to this section.

This administrative amendment will make it clear that, if a domestic animal is under control, it does not have to be confined to the property or the vehicle of the owner, which was not the intent of the legislation. The proposed amendment is as follows, under section 41(1)(a), adding the conjunction “or” after “keep the animal confined to the property or the vehicle owned or occupied by the owner of the...” vehicle. This administrative change clarifies that an animal does not have to be confined to the owner's property at all times.

Then read directly in the next subsection:

41(1)(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 onto
- (A) public property, including a highway or a right-of-way,
- or
- (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 of these resources or their suitability to sustain wildlife populations, or
- (vii) have any other negative effect prescribed by the regulations.

This provides clarity with respect to managing when the animal is off the owner's property. Again, this is to recognize that animals under control or being managed can be on public property, which was always the intention of the legislation.

Lastly, to ensure that we are consistent with legal drafting, we propose an administrative change to renumber what was subsection 41(1)(c) to now be 41(3). This ensures that the provision regarding “the owner ... must comply with any requirements for the control of animals prescribed by regulations” applies to all situations.

In summary then, there is an “or” added at 41(1)(a) after “animal”; there is an “or” added. Then there is an “or” after (b)(vi) into (vii) — so after “populations, or”; then, finally, what was previously 41(c), “comply with any requirements for the control of animals prescribed by the regulations...”, becomes 41(3). That is in order to provide effect to the intent of the legislation, that an animal owner would have to comply

with any requirements prescribed by regulations, and also, in the first scenario, clause 41(1)(a), it is crystal clear that there is that requirement to comply. So, there are two “ors” and then a stand-alone — 41(c) becomes 41(3).

We trust that the note of clarification of the wording in the bill addresses most of the concerns raised by the Member for Lake Laberge, and I do thank him for bringing forward that concern in order to create more usable legislation that now expresses the policy intent of the legislation more clearly.

Mr. Cathers: I would like to thank the minister for acknowledging that there is a problem with the legislation he tabled and committing to tabling an amendment. It is unfortunate that the minister didn’t share this with us on Thursday, when we know it was ready or earlier in debate. It leaves us — and obviously intentionally so on the part of the minister — trying to read it quickly and understand how it interacts with the legislation. It doesn’t allow that time for perusing it at length or consulting with legal counsel, should we wish to do so on this.

It’s concerning that the minister seems to be reflecting what he indicated in his initial reaction when I raised the concern about the section, that maybe it needed the addition of the word “or”. Unfortunately, while this legislation is not quite as bad as it was initially in this section, it doesn’t actually reflect what I would hope the minister would have brought forward, which is actually making it clear in the legislation that, if your animal is on public property and is not causing harm or damage, or creating a hazard to the safety to the general public, or running at large, that it’s lawful behaviour.

All the minister did here is create the ability — it still says — it has created it to either clause (a) or clause (b). The options under this section now say that, under section 41(1), the owner of an animal must keep the animal confined to the property or the vehicle owned and occupied by the owner of the animal. That’s one option.

Option 2 is that the owner of an animal must manage the animal in such a way that the animal does not injure or kill any individual, injure or kill any other animal or wildlife, stray onto public property, including a highway right-of-way, or the property of another person without that person’s consent, damage the property of another person or public property, cause damage to any wildlife population, cause damage to habitat or the productivity of these resources or their suitability to sustain wildlife populations, or have any other negative effect prescribed by the regulations.

So, in proposing his change, the minister hasn’t actually fixed the problem. It is still — most of clause (b) is not of concern to us in reading it. The requirement about straying onto the property of another person without that person’s consent, damaging the property of another person, causing damage to wildlife population, damage to the environment, et cetera — we don’t take issue with those parts of it. The part we have concern about is the part that makes it a case of — still under this legislation — instead of under section 41, as the minister originally tabled it, if your animal was off your property and on public land, you were guilty of breaking two sections of this proposed legislation, should it pass. So, instead of being in

violation of clause (a) and clause (b), it would be a situation where somebody would be in violation of either clause (a) or clause (b) just for taking their dog for a walk on a leash, Madam Chair. That is where this government has certainly not got it right. There should be a part that clearly allows someone to have their animal on public property, as long as they’re not causing damage.

So, again, in the interest of doing this, I thank the Clerks for their assistance in responding quickly to the proposed amendment that we came up with, revising our original amendment to respond to that which the minister has tabled.

In the interest of fixing this so that there’s a clear allowance that, if somebody’s animal is on public property, as long as the animal is not causing damage, endangering the safety of the general public, or running at large, that they are indeed in compliance with the law, I’ll be proposing an amendment here, Madam Chair.

I’ll pass copies out to members here and apologize for not circulating it in advance. It’s similar to a version I believe we shared with the Third Party earlier, but it is revised to reflect the amendment that the minister tabled.

Subamendment proposed

Mr. Cathers: So, I am proposing an amendment to the amendment brought forward by the minister. I move:

THAT Bill No. 20, entitled *Animal Protection and Control Act*, be amended in clause 41 at page 27 by replacing subclause 3 with the following:

“(3) Paragraph (1)(a) and subparagraph (1)(b)(iii)(A) do not apply to an animal that is on public property if the animal is not causing damage, endangering the safety of the general public, or running at large.”

and renumbering the following clauses accordingly.

I’ll just submit that to the Table, Madam Chair, along with copies for members.

Chair: Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: Order. The proposed subamendment is not in order.

Is there any further debate on the amendment to clause 41 as moved by the Member for Riverdale North?

Mr. Cathers: I would just note and thank the Clerks. I had misunderstood earlier. The amendment that I had previously proposed I had understood as being vetted and, in fact, it was still in process. I will now move a subamendment to this, which is different just in the subamendment wording of it. The content of it is still the same.

Subamendment proposed

Mr. Cathers: I move:

THAT the amendment to clause 41 of Bill No. 20, entitled *Animal Protection and Control Act*, be amended by adding after subclause 2 the following new subclause:

“(3) Paragraph (1)(a) and subparagraph (1)(b)(iii)(A) do not apply to an animal that is on public property if the animal is not causing damage, endangering the safety of the general public, or running at large.”

and renumbering the subsequent subclause.

I would just note that the reference to “endangering the safety of the general public” is a reference that is pulled from the *Motor Vehicles Act*. I believe it is sections 10 and 21. “Running at large” refers to “at large” and is a reference earlier in the *Animal Protection and Control Act*. The intent of this is simply to ensure that there is something that clearly says that if an animal is on public property — as long as they are not damaging or violating another section of this area — it would be lawful.

Chair: The amendment to the amendment to clause 41 is in order.

It has been moved by the Member for Lake Laberge:

THAT the amendment to clause 41 of Bill No. 20, entitled *Animal Protection and Control Act*, be amended by adding after subclause 2 the following new subclause:

“(3) Paragraph (1)(a) and subparagraph (1)(b)(iii)(A) do not apply to an animal that is on public property if the animal is not causing damage, endangering the safety of the general public, or running at large.”

and renumbering the subsequent subclause.

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.

Is there any debate on the subamendment to clause 41?

Hon. Mr. Streicker: First of all, I want to talk about the intent that I hear from all sides of this House. The intent always has been that, if an animal is well behaved and managed well, there is no issue with that animal being on a road. If it's a dog that is beside you and the dog is acting appropriately, we're all good. Clause 41 says, as proposed in the amendment by the Minister of Environment — now we are debating the subamendment. I also understand from the Member for Lake Laberge that he is also trying to reinforce this. I am worried that his amendment does not do this, and there are a couple of worries that I have.

I will also say that the instructions to the team doing this drafting was exactly this: how to make sure that this clause supports Yukoners who have animals that are managed well — that there is no problem.

This is why the section is called “Duties of owners”, and then, under (b), it is about making sure that the animal is managed in such a way that the animal is well behaved.

The problem with the subamendment as proposed by the Member for Lake Laberge is that he has listed some things in

here — not causing damage, not endangering the safety of the general public, not running at large — but there are other things. For example, an individual injuring or killing another animal or wildlife, damaging — well, damage is there, causing damage — and then having other negative effects as prescribed by the regulations. I was glad to see that this wasn't replacing subclause (3) in the amendment because we would lose that. But the whole point is that the section, as written by the drafters — and as the minister just went back over the past several days to make sure that it clearly captured the intent — is exactly there now, and this then starts to muddy it. I don't believe that the muddying is in any way intended. I think that the intention is honourable, but the challenge is that you are trying to add this thing in at the end, pointing back to a couple of the subsections, whereas the sections are there — and it's all under the heading of “manage the animal”.

So, the drafters, as we have talked to them, have said to us that this language as proposed in the amendment by the Minister of Environment exactly captures that intent and that this subamendment will start to get this not working in the way that the member opposite, I believe, wishes.

Finally — I'm just trying to say that the clause 41(1)(b) right now talks about how those animals need to be managed so that, when they are on public property or when they are on another person's private property, they are making sure that they do not injure or kill another individual, injure or kill another animal, cause the damage as listed under (iv), (v), (vi) — and then also applying to the regulations. So, thank you very much. I thank the member opposite for their intent. I don't think that this is achieving what they are trying to, but I appreciate the intent.

Deputy Chair (Ms. Tredger): Is there any further debate on the subamendment to the amendment to clause 41?

Shall the subamendment to clause 41 carry?

Some Hon. Members: Count.

Count

Deputy Chair: A count has been called.

Bells

Deputy Chair: All those in favour, please rise.

Members rise

Deputy Chair: All those opposed, please rise.

Members rise

Deputy Chair: The results are seven yea, nine nay.

Subamendment to Clause 41 negatived

Deputy Chair: Is there any further debate on the amendment to clause 41?

Amendment to Clause 41 agreed to

On Clause 41, as amended

Clause 41, as amended, agreed to

On Clause 42

Clause 42 agreed to

On Clause 43

Clause 43 agreed to

On Clause 44

Clause 44 agreed to

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 20, entitled *Animal Protection and Control Act*, read and agreed to.

Deputy Chair: The member can't request unanimous consent for all clauses to carry, but they can request unanimous consent for clauses 45 through 79 to carry.

Ms. White: Thank you, Deputy Chair, and I appreciate that. Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 45 through 79 of Bill No. 20, entitled *Animal Protection and Control Act*, read and agreed to.

Unanimous consent re deeming clauses 45 to 79 of Bill No. 20 read and agreed to

Deputy Chair: The Member for Takhini-Kopper King has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 45 through 79 of Bill No. 20, entitled *Animal Protection and Control Act*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Clauses 45 through 79 deemed read and agreed to

On Title

Title agreed to

Hon. Mr. Clarke: Deputy Chair, I move that you report Bill No. 20, entitled *Animal Protection and Control Act*, with amendment.

Deputy Chair: It has been moved by the Member for Riverdale North that the Chair report Bill No. 20, entitled *Animal Protection and Control Act*, with amendment.

Motion agreed to

Hon. Mr. Clarke: I move:

THAT, pursuant to Standing Order 60(1), Bill No. 20, entitled *Animal Protection and Control Act*, as amended, be reprinted and tabled in the Legislative Assembly in its reprinted form before the House proceeds with third reading and passage of the said bill.

Deputy Chair: It has been moved by the Member for Riverdale North:

THAT, pursuant to Standing Order 60(1), Bill No. 20, entitled *Animal Protection and Control Act*, as amended, be reprinted and tabled in the Legislative Assembly in its reprinted form before the House proceeds with third reading and passage of the said bill.

Motion agreed to

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

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 206: Second Appropriation Act 2022-23 — continued

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

Is there any further general debate?

Mr. Dixon: Thank you, Deputy Chair. I appreciate the opportunity — given where we are at timing-wise, I will skip to what could be some shorter questions, rather than where we left off last time. Through the Council of the Federation, the premiers have launched an initiative targeting the federal government's health transfers. There have been a series of ads — an ad campaign that has been launched, both radio ads and print ads across the country, and the intent of those is what the premiers call "... a pan-Canadian awareness campaign on the critical need for a new and sustainable health care funding partnership with the federal government through the Canada Health Transfer..." I am hoping that the Premier can weigh in on this and let us know what the Yukon's position is with regard to our request of the federal government for increased health transfers; what it is that we are seeking; what we can look for from a response from the federal government, in terms of what the current government would deem acceptable; and what sort of increases or further support that the Yukon is seeking through the COF initiative for increased health transfers.

Hon. Mr. Silver: These are ongoing conversations, and they are actually ongoing even today. I know that federal Minister Duclos is meeting today and having continuing conversations with the provinces and territories — with the health ministers.

We, as premiers, called upon the federal government to increase the contribution to health spending through the Canada health transfer, also known as "CHT". We are looking for a long-term financial boost to our funding that will help implement things like *Putting People First*, for example, and improving the quality and access to care for all Yukoners.

Interestingly — as the members opposite would know, as well, from their time in office — we rely very heavily on jurisdictions like Alberta and British Columbia when it comes to a lot of our extended care, with medical travel, specialists, and that type of thing. In preliminary conversations that we have in northern premiers conferences or western premiers conversations, as well, we do very much put the opinions of Alberta and BC at a forefront, where, as you go from west to east, right across the north, the territories would have different jurisdictions that they would do the same for, because that is where people would access medical services, through medical travel, in each of those other northern communities — northern territories, respectively.

So, you know, in all things medical or all things in conversations at the premiers tables, it's about what we can agree on, but in this context, we have even a lot more onus on what is good for British Columbia, what's good for Alberta, and what is good for the territory. It's always an important conversation. The reason why I define it this way is, if you took a look at the differences between the ask of the premiers compared to what is currently funded, it doesn't really make a lot of difference in the territories as compared to other jurisdictions, because we do have the THIF funding. We have other dedicated funding streams that really are the bread and butter of health transfers in the Yukon, in the Northwest Territories, and in Nunavut.

There is much more at stake in the provinces. The differences between five percent of that transfer is a massive amount of money to these jurisdictions as well. Not that it's anything to sneeze at — it's still in the millions of dollars, but I am really emphasizing the importance of what happens in Alberta and what happens in British Columbia, as well, when we are talking about these transfers. We're not alone in the pressures that we face. We're not alone in that, and we are definitely committed to working with all the premiers and the federal government to find ways to support our health care professionals and to ensure that Yukoners get the care and support that they deserve in the context of supporting all Canadians to have equal access to medical services.

We are definitely looking forward to continuing the dialogue among the First Ministers so that our health systems are well-resourced and also preparing for any future challenges. This is definitely a bigger conversation, for sure. I'm sure we will get more time to speak about it later.

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

Deputy Chair: It has been moved by the Member for Klondike that the Chair report progress.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Deputy Speaker (Ms. Blake): I will now call the House to order.

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

Chair's report

Ms. Tredger: Committee of the Whole has considered Bill No. 20, entitled *Animal Protection and Control Act*, and directed me to report the bill with amendment.

Committee of the Whole has also considered Bill No. 206, entitled *Second Appropriation Act 2022-23*, and directed me to report progress.

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

Are you agreed?

Some Hon. Members: Agreed.

Deputy Speaker: I declare the report carried.

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

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

Motion agreed to

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

The House adjourned at 5:26 p.m.

The following sessional papers were filed November 7, 2022:

35-1-71

Report of the Chief Electoral Officer — Recommended Changes to the Elections Act 2021 (Deputy Speaker Blake)

35-1-72

Report of the Chief Electoral Officer — Election Financing Returns 2021 Territorial General Election (Deputy Speaker Blake)

35-1-73

Report of the Chief Electoral Officer — The Administration of the 2021 Territorial General Election (Deputy Speaker Blake)

The following documents were filed November 7, 2022:

35-1-106

Meeting with Yukon Dog Mushers Association, letter re (dated November 4, 2022) from Mandy Johnson, Vice President, Yukon Dog Mushers Association to Hon. Nils Clarke, Minister of Environment (Istchenko)

35-1-107

National Truth and Reconciliation Day Statutory Holiday, letter re (dated November 4, 2022) from Deputy Chief Kristina Kane, Ta'an Kwäch'än Council to Kate White, Leader of the Third Party (White)

35-1-108

Proposed amendments to the Oil and Gas Act (Yukon), letter re (dated October 28, 2022) from Chief Amanda Leas, Ta'an Kwäch'än Council to Kate White, Leader of the Third Party (White)