



Yukon Legislative Assembly

Number 28

2nd Session

34th Legislature

HANSARD

Thursday, June 8, 2017 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2017 Spring Sitting

SPEAKER — Hon. Nils Clarke, MLA, Riverdale North
DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun
DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North

CABINET MINISTERS

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

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Yukon Liberal Party

Ted Adel	Copperbelt North
Paolo Gallina	Porter Creek Centre
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Yukon Party

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Brad Cathers	Lake Laberge	Patti McLeod	Watson Lake
Wade Istchenko	Kluane	Geraldine Van Bibber	Porter Creek North

THIRD PARTY

New Democratic Party

Liz Hanson	Leader of the Third Party Whitehorse Centre
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**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, June 8, 2017 — 1: 00 p.m.**

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of Alkan Air 40th anniversary

Hon. Mr. Mostyn: I rise today to pay tribute to Alkan Air on the occasion of its 40th anniversary.

Alkan Air is a home-grown Yukon business started in 1977 by three Yukoners: Barry Watson, Win and Joe Muff and named after the Alaska Highway or Al-Can Highway, which celebrates its 75th anniversary this year.

From modest beginnings with just two planes, a Cessna 206 floatplane and a Cessna 337, Alkan Air now boasts a fleet of 19 aircraft, accommodating anywhere from two to 19 passengers. Forty years later, Alkan Air is still 100-percent Yukon-owned, but now employs 70 people — 65 of whom are based here in the Yukon — and has bases in Whitehorse, Mayo and Nanaimo, as well as space in the Watson Lake terminal.

On Tuesday, I had the opportunity to tour their facilities up at the airport here. It was tremendous to see their new hangar and to have chats with Wendy, Jeff and Ron on their company and some of the great initiatives they have going on.

The expanded and diverse range of aircraft and multiple bases have allowed Alkan Air to meet the demands of a growing number of clients living, working and travelling in the territory. Many will know Alkan Air as Yukon's dedicated air ambulance provider, helping those with urgent medical situations from across the territory get to the medical attention they need.

Four of Alkan Air's aircraft are dedicated to air ambulance services, which they have been providing for more than 30 years. In addition to this, Alkan Air provides an array of charter services, including mining exploration, oil and gas exploration, bulk fuel storage and transportation, wilderness and big-game outfitters, environmental assessment and survey organizations, company executive and management teams, political and government officials, government justice and court officials, environmental survey and engineering personnel, sport teams, freight, utilizing a custom-designed tracking program — which again, they showed me on Tuesday and it was quite impressive, as was their new facility which was designed by a local architect.

Just last year, Alkan Air expanded their services by introducing scheduled passenger service to Watson Lake three days a week — restoring that service. In addition to

transporting nurses, teachers and Yukon hospital patients between the capital and Watson Lake, the flights also transport freight for Watson Lake businesses.

Beyond providing air services for Yukoners and those working and travelling here, Alkan Air also shares its knowledge of the industry and teaches the next generation of pilots and aircraft workers, and ministers, Mr. Speaker. In conjunction with Yukon College, Alkan Air offers a two-year aviation management diploma program. They also offer courses for private pilots' licences, commercial pilots' licences, instrument rating, multi-engine rating, night rating — a whole raft of services.

Additionally, Alkan Air's community involvement has been widely noticed. They are a sponsor in the Yukon Hospital Foundation board's Festival of Trees and have supported the Yukon College Foundation chair, Yukon Women in Mining, and Yukon Imagination Library.

Alkan Air is a local success story that has made truly significant contributions to Yukon, supporting education and health care in the territory and helping to grow Yukon's economy for more than 40 years and continues to do so.

We congratulate Alkan Air on its 40th anniversary and we look forward to the next 40 years.

Before I sit down, Mr. Speaker, I would like to recognize Wendy Tayler, Ron Limoges, Jeff Faulkner, Barry and Leona Watson, Hugh Kitchen, Deb Kitchen and Joe Muff in the gallery today.

Applause

Mr. Kent: It is my pleasure to rise on behalf of the Yukon Party Official Opposition to also pay tribute to Alkan Air Ltd. as they celebrate 40 years of operation here in the territory.

Again, as the minister mentioned, the company was named in recognition of the Alaska Highway and was founded on October 21, 1977 by Barry Watson and brothers Win and Joe Muff, joined a decade later by Hugh Kitchen as a partner.

Alkan Air began by operating a Cessna 206 on floats or skis, depending on the season, and a Cessna 337 on wheels. Expansion soon followed and the company emerged as one of the main providers of scheduled service in the territory connecting Yukoners and connecting communities.

In the early 1990s, the company refocused its business on charter operations and, in 1994, high-performance pressurized King Airliners were introduced. With its roots in bush flying, Alkan is world-renowned for its expertise getting freight, fuel and of course passengers in and out of remote sites throughout the territory and beyond so that they may accomplish their outfitting, recreational, environmental assessment or mining and exploration pursuits. I know I have personally had the opportunity to fly with Alkan Air on numerous occasions and I can confidently speak for all of us here in the Official Opposition when I say what a pleasure it is to fly with the company.

Although the company grew steadily and its services broadened beyond the Yukon, Alkan Air has always been firmly rooted in its commitment to our community and to the

well-being of Yukoners. In the early 2000s, when the Yukon Hospital Foundation was just getting established and the very first Northwest Festival of Trees was being held, Alkan Air was one of the first companies to come on board with a multi-year sponsorship. Their dedication to helping Yukoners receive the very best health care possible right here at home continues, and today they are the title sponsor of the festival's main fundraising event each November known as the Alkan Air Grand Ball.

Of course Alkan Air is also there for us when medical emergencies dictate the need for care outside the Yukon as the territory's air ambulance provider.

Education and family literacy are also core values of the Alkan Air team, and company representatives generously donate their time to many charitable organizations throughout the territory.

Training so that Yukoners have opportunities to study and pursue rewarding careers in the Yukon is also a foundation of everything Alkan Air does. In 2015, the company opened its flight training unit to accommodate the need for Yukoners wishing to pursue their private or commercial pilot's licence. Last fall, Alkan Air partnered with Yukon College to offer the north's only aviation business management diploma. This two-year program provides practical flight training and business courses in an environment that allows students unparalleled opportunities to interact with large airline traffic at our international airport and gravel strips in remote sites in the territory — opportunities not available elsewhere in Canada.

Also last fall, Alkan Air introduced regularly scheduled service between Whitehorse and Watson Lake three times a week, a service I know my colleague from Watson Lake and her constituents very much appreciated. Both I and the MLA for Watson Lake were on that inaugural flight. As the minister mentioned, there are often frequent and recurring meetings and medical appointments in Whitehorse that dictate regular travel, and the one-hour flight relieves time away from work and family.

Investment in people is a hallmark of Alkan Air's operations. The 65 Yukoners they employ translates to supporting 65 families, and they are consistently and continuously one of our territory's strongest private sector and community contributors. Today, Alkan Air's management team of Wendy Tayler, Ron Limoges, Jeff Faulkner, Adam Scheck and Wolf Benefeldt are carrying the company forward into the future to the benefit of all Yukoners. The minister introduced the individuals who are here in the gallery today, but I would also like to welcome former MLA for Riverdale South, Glenn Hart, and his wife, Verna Hart in the gallery as well. They're joining the Alkan Air folks.

So a big thank you to Alkan Air and congratulations on 40 years. We look forward to celebrating with you at your family-friendly community event here in Whitehorse on Saturday, June 24 and look forward to flying with you for decades to come.

Applause

Ms. White: I rise on behalf of the NDP caucus to also celebrate Alkan Air's 40th anniversary. My relationship is a lot more personal. In 2009, I was working at the Wolverine mine and got to fly on Alkan Air every two weeks — sometimes three weeks and sometimes a lot more often.

The part that we might not know in this room is the amount of support. At that point, they were picking up the miners at hotels, needling them along because sometimes that was required — always dealing with humour and efficiency, especially when I was camp manager for a short amount of time and forgot to schedule flights. Thanks to Wendy and her team, no one was ever stuck on-site, water samples made it out, and it was always a pleasure.

In 2009, I flew a lot. Sometimes I didn't think I was going to make it back home because it was socked in, but the pilots were fantastic. Thank you so much for the 40 years and I look forward to 40 more.

Applause

In recognition of Little Salmon Carmacks First Nation and Selkirk First Nation final and self-government agreements

Hon. Mr. Pillai: I stand today in recognition of the 20th anniversary of Little Salmon Carmacks First Nation and Selkirk First Nation final and self-government agreements. It's an honour to rise today to pay tribute to the upcoming 20th anniversary of Little Salmon Carmacks First Nation and Selkirk First Nation final and self-government agreements. Both First Nations signed their agreements on July 21, 1997, alongside the federal and territorial governments.

The 20th anniversary of these agreements marks a significant achievement and provides Yukoners with a welcome opportunity to celebrate Little Salmon Carmacks First Nation and Selkirk First Nation self-governments. These agreements chart a path toward reconciliation and positive change for all Yukoners, Mr. Speaker. The agreements provide the foundation for the ongoing relationship between the federal, territorial and First Nation governments. They give our governments guidance on how we should work together and share jurisdiction.

Under the final and self-government agreements, First Nations deliver programs and services and make laws and decisions that make sense for their communities. We are already seeing the benefits of this kind of self-determination. Both First Nations are doing incredible work to protect and revitalize their cultures. Selkirk First Nation is actively involved in the management and preservation of their traditional home in Fort Selkirk. The Little Salmon Carmacks First Nation is working to pass on traditional knowledge and teaching to their younger generations through their Doodli project.

Self-government creates opportunities and helps to preserve First Nation culture and strengthens the social, political and economic fabric of the territory. I thank the visionary leaders who were involved in the negotiation of these agreements and the leaders today who are working to implement them.

In particular, I would like to recognize Pat Van Bibber, who was chief when the Selkirk First Nation was signed 20 years ago. I would also like to recognize the late Elder Roddy Blackjack of the Little Salmon Carmacks First Nation. Roddy Blackjack was considered an early architect of the Yukon land claims and self-government agreements. He was a member of the delegation of Yukon leaders who presented *Together Today for Our Children Tomorrow* to Prime Minister Pierre Trudeau in 1973.

It is thanks to the vision and hard work of these — and many other leaders — that we are celebrating 20 years of self-government for Little Salmon Carmacks First Nation and Selkirk First Nation. I want to congratulate again Little Salmon Carmacks First Nation and Selkirk First Nation on their 20 years of self-government. I'm looking forward to attending the Little Salmon Carmacks General Assembly this weekend — Sunday morning — and we look forward to working with these nations on many, many projects to continue bringing this vision of their agreements to life.

Ms. Van Bibber: I rise today on behalf of the Yukon Party Official Opposition to pay tribute to Little Salmon Carmacks First Nation and Selkirk First Nation on the day of the signing of their land claims agreement. On July 21, 1997, two separate major events happened to the Northern Tutchone people of Carmacks and Pelly Crossing.

In separate celebrations, the Little Salmon Carmacks First Nation and the Selkirk First Nation officially signed their self-government and final agreements. It was a hot summer day at Minto Landing and the Selkirk people had reached an important milestone. On this day, they would sign on to their self-government and final agreements and celebrate their independence.

Chief Pat Van Bibber, Jr., Principal Elder Dan Van Bibber, Minister of DIAND, the Honourable Jane Stewart, and Premier Piers McDonald were signatories on the Selkirk First Nation document.

That same summer day, near Carmacks, a similar ceremony occurred. Chief Eddie Skookum, Principal Elder Billy Peter Johnnie, Minister of DIAND Hon. Jane Stewart, and Premier Piers McDonald were signatories of the Little Salmon Carmacks document.

It was a momentous day — in each region, there were dancing, regalia, singing and, of course, many speeches and finally a feast to honour the occasion. Everyone from the region, relatives and visitors from throughout Yukon, came to the traditional Northern Tutchone region to celebrate and witness the ceremony. There was a lot to take in — the pageantry, the ceremony itself, and the realization that the people had reached an agreement. Many who were in attendance were overwhelmed that they had finally come to this day.

The self-government agreements gave each First Nation the ability to make laws on its lands and on behalf of their citizens. They were also given rights to administer their own affairs as well as the option to take over delivery and

responsibility for programs and services as they were able to do so as time progressed.

The collaboration that stems from these agreements continues to be held up as standards across Canada and we are proud of the breaking trails that our First Nations, along with the Government of Canada and Government of Yukon, were able to accomplish.

Congratulations to all who were involved from beginning to end. These historic papers are part of our history now. Well done, and keep moving forward.

Ms. Hanson: It is an honour for me to rise today on behalf of the New Democratic Party to pay tribute to the 20th anniversary of the signing of the Little Salmon Carmacks First Nation and Selkirk First Nation final and self-government agreements on July 21, 1997.

It's interesting to me that we hear the different perspectives of us coming to these from our own experiences. At the time these agreements were signed, I was a federal public servant working on Yukon land claims and self-government negotiations; and as such, I never anticipated that I would have the honour to be able to stand here as an elected member of the Legislature to reflect upon the achievements of the Little Salmon Carmacks First Nation and Selkirk First Nation, the Yukon government and the federal government in actually finalizing these agreements, because the truth of the matter is that Yukon negotiations, like any complex multi-party negotiations, were no cakewalk.

After many setbacks, the early 1990s saw a big push to finalize the first four final and self-government agreements. Then there were external challenges that made predicting when and how Yukon negotiations with all Yukon First Nations would be completed and it was difficult. For example, federal policy changes that came after the first four final and self-government agreements, along with the *Umbrella Final Agreement*, after they were signed in 1993 — there were changes made to policies that cost time and people's reconsideration was: Should we go forward or should we stop for a bit?

To top it off, the federal mandate for Yukon negotiations was set to expire in 1998. After all, the thinking was: surely with the experience of the first four and the blueprint set out in the *Umbrella Final Agreement*, everything was settled, right? Wrong. Every Yukon First Nation has its own unique set of circumstances and its own history, all of which had to be factored into each First Nation final and self-government agreement. Even though much of the architecture of shared public government bodies and the decision-making process was spelled out in the *Umbrella Final Agreement* common provisions, the key and most complex issue in every community revolved around land.

The spring of 1996 saw a concerted effort to complete the Little Salmon Carmacks First Nation negotiations. In late April/early May, the Little Salmon Carmacks First Nation lit a fire of hope to burn until negotiations were complete.

Community land selections were a significant challenge. Coal Mine Lake, the campground, the Beavertail, the bypass

road were all — and, in some cases, still are today — big community issues. Overlapping land selections among Little Salmon Carmacks First Nation, Ta'an Kwäch'än and Kwanlin Dün were, to say the least, problematic. As Elder Clyde Blackjack put it, those people from different First Nations who express interest in those family lands for themselves all have the same grandfathers.

The Little Salmon Carmacks First Nation and Selkirk First Nation agreements were the first to start to address the complex issues of traditional territory overlap. When, at 11:54 p.m. on May 2, 1996, Mike Vance, the Little Salmon Carmacks First Nation negotiator, announced that we had a deal, everyone gathered around the fire of hope for speeches and to witness as the negotiators initialed the documents at 1:30 a.m. on May 3, 1996. At that moment, all the strife and worry momentarily evaporated in the realization of a shared accomplishment.

Similarly, when negotiators with the federal and Yukon teams joined the Selkirk First Nation negotiators in Pelly Crossing in early June 1996, they were focused on an intense two-week schedule to conclude land and final and self-government agreements. This was shattered when Harry Allen, Grand Chief of the Council of Yukon Indians, died.

However, when negotiations resumed later that month, issues as varied as the advanced mineral property at Minto, Tatlain Lake and the McArthur Game Sanctuary — or Ddhaw Ghro, as it's known in Northern Tutchone — Fort Selkirk, the Granite Canyon hydro site and many others were dealt with, and the negotiators were able to initial documents signifying the completion of Selkirk First Nation negotiations at 9:00 p.m. on June 21, 1996.

It was the elders in the community who summed it up best, Mr. Speaker. Danny Joe and Johnson Edwards said that night: We don't want more lines on maps or survey lines on land. We want people, especially the youth, not to forget what the land was like with no lines.

Mr. Speaker, Danny Joe was one of the chiefs who accompanied Elijah Smith to Ottawa in 1973 to present that historic document *Together Today for Our Children Tomorrow*. The words in that document echo the sentiments that he and the elders expressed 23 years later when his First Nation finally concluded what they hoped would be a just agreement for his people. The document said — and I quote: “Many Indians look at what the Whiteman has done to destroy and pollute lakes and rivers and wonder what will happen to the birds, fish and game. We wonder how anyone will be able to know what effect... industrial projects will have on the birds, fish and game before they are built.”

“We wonder how the Whiteman can be so concerned about the future by putting money in the bank, and still he pays no attention to the future of the land if he can make a quick dollar from selling it to foreigners.” They concluded by saying: “With a just Settlement of our claims we feel we can participate as equals, and then we will be able to live together as neighbours.”

The initialing of those agreements was not the end. What followed for both the Little Salmon Carmacks and Selkirk

First Nations and Yukon and federal government teams was a really intense time involving legal drafting, mapping, implementation negotiations, ratification votes, and it went on — all leading up to that amazing official signing ceremony on July 21, 1997.

As we reflect on the significance of the signing of the Little Salmon Carmacks First Nation and Selkirk First Nation final and self-government agreements — on the potential they hold for all Yukoners — we do well to reflect on the words of Justice Ian Binnie writing for the Supreme Court of Canada in November 2010 in respect to a case brought by the Little Salmon Carmacks First Nation.

Justice Binnie wrote: “Thoughtful administration of the treaty” — of the final agreement — “will help manage, even if it fails to eliminate, some of the misunderstandings and grievances that have characterized the past... the treaty will not accomplish its purpose if it is interpreted by... officials in an ungenerous manner or as if it were an everyday commercial contract. The treaty is as much about building relationships as it is about the settlement of ancient grievances. The future is more important than the past.” He concluded by saying: “A canoeist who hopes to make progress faces forwards, not backwards.”

I would like to also ask the Members of the Legislative Assembly to join me in welcoming Russ Smoler. Russ was a land negotiator for many, many years — involved in both Little Salmon Carmacks First Nation and other negotiations — and provided me with the minute-by-minute insight in terms of those negotiations because I was not at the land tables. Welcome, Russ.

Applause

INTRODUCTION OF VISITORS

Mr. Kent: I too would like to welcome Mr. Smoler to the gallery as a former work colleague of my dad, Cliff Kent. They worked together for many years in Indian and Northern Affairs Canada. My dad passed away in 2008, but today would have been the occasion of his and my mom's 63rd wedding anniversary.

I thank Russ for being here, for reminding me of that and giving me a chance to mention that here today. Thank you.

Applause

Hon. Mr. Pillai: We'll all welcome Russ today because I worked for Russ and I just want to welcome him as my constituent from Porter Creek South and sunny Grove Street — so welcome today. You learned a great piece of history and you will have to tell me some stories about those negotiations at some point.

Applause

Speaker: I can say my connection to Russ Smoler is through minor hockey and I can advise that he has been a very even, helpful and dedicated person in Whitehorse minor and mustang hockey over the years. Welcome, Russ. Thank you for coming today.

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Frost: I have for tabling a response to a letter received from the Member for Porter Creek North with respect to environmental impacts on Lodgepole Lane property.

Ms. Van Bibber: I rise today to table a letter dated April 13 to the Minister of Environment regarding the environmental impacts on Lodgepole Lane.

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

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Yukon government to work with Yukon College on a plan for the transition to a university in a manner that builds on existing college programs, while maintaining a focus on trades and professional training, basic adult education and high school upgrading.

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

THAT this House urges the Government of Yukon to increase opportunities for tourism in the Kluane region by:

(1) meeting with Parks Canada, the Village of Haines Junction, local First Nations, businesses, the Chamber of Commerce, local advisory councils and residents to discuss shared priorities in promoting the Kluane region; and

(2) allocating a portion of the \$1.8 million received from the Government of Canada to ensure all Yukon regions and communities are promoted in future Yukon Now commercials, including having a specific commercial focused on the Kluane region and Kluane National Park.

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

THAT this House urges the government to promote open and transparent governance by:

(1) prioritizing the completion of the *Access to Information and Protection of Privacy Act* (ATIPP) review;

(2) tabling amendments to the ATIPP act to roll back the 2012 changes to the act that limit access to information by the public; and

(3) including a public interest override clause to the ATIPP act.

Speaker: Are there any further notices of motions?

Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Mining legislation

Ms. McLeod: The *Quartz Mining Act* and the *Placer Mining Act* are the primary pieces of legislation governing the mining industry here in the Yukon.

The Premier has said on a number of occasions that these acts need to be modernized. The process to modernize them would be through the successor resource legislation from the devolution agreement. Only the forestry act has gone through this process and it took a substantial amount of time to complete the task.

Can the Minister of Energy, Mines and Resources confirm that a comprehensive review of the *Quartz Mining Act* and the *Placer Mining Act* is on the legislative agenda of this Liberal government, and if so, when will it begin?

Hon. Mr. Pillai: I think that as I've had the opportunity to come into this job as Minister of Energy, Mines and Resources, there certainly was some early work done at the MLII table. Some of the discussions I think at that time it was really looking at trying to streamline processes, but some of the discussions that have taken place at that table do, I believe, touch upon successor legislation.

Certainly it has been something that many First Nation governments have brought up. It reaches out of those governance structures and shared government structures. At this time, I continue to work with First Nation governments. As I stated, we have an MOU signed and the self-governing First Nations are all at the table discussing their priorities. Through those discussions, we'll see where their priorities are.

Certainly it is something inevitably that has to be discussed in this Legislative Assembly, but right now my focus is ensuring that I have an understanding of those specific priorities. In certain regions, when we talk about placer, as the member opposite said, the Tr'ondëk Hwëch'in First Nation has voiced to us their interest in those discussions. I don't have a legislative agenda right now that identifies either of those discussions, but certainly it is something that, since I have come into this job, I have definitely heard over and over again from First Nations in Yukon.

Ms. McLeod: The industry, through the Yukon Chamber of Mines, has engaged in an exercise around whether or not to introduce electronic staking or map staking to the territory. I know that there are some very strong feelings around maintaining the current system of staking claims as it provides economic benefits to many individuals and companies.

During the record exploration year of 2011, it was estimated that staking alone accounted for over \$30 million in expenditures. In 2011, the Yukon Liberal Party committed to map staking during the election campaign and then quickly flip-flopped on that promise after hearing from industry players.

Will the Liberal government be considering changes to legislation to allow for map staking in the Yukon, or is that off the table entirely?

Hon. Mr. Pillai: I absolutely agree with the member opposite. I think probably in her professional career, she has a really strong understanding of that process and certainly the economic development that it creates. Certainly there is a tremendous amount of Yukoners — long-time prospectors — who take part in that activity. I can't speak to 2011. Certainly, it was a different time and I'm not aware of comments that were made in 2011, but I'm staying here in 2017 and really don't have an interest in going down the road. What I will state though — and we talked a bit yesterday — is that within the community of exploration and prospectors, that has been brought to my attention. There are some very well-known prospectors who use this. We have had one prospector I think — actually I had to apologize to the minister of resources in Newfoundland because it was a Yukoner who took their whole system down I think about a year ago because of the immense electronic staking that happened in that jurisdiction by the individual.

So you kind of have two different ideas. You have some people who really want to see those claims freed up, so there is always exploration happening, and then there are others who would really rather spend their dollars not just on exploration, but electronically stake and then do work on exploration. So it's out there, but no interest at this time, Mr. Speaker.

Ms. McLeod: Another aspect I would like to explore with the minister is about resource royalties. Mining critics have, for a long time, lobbied for increases to placer mining royalties. While it's true that they have been in place for a long time, other tax measures have been introduced since then, such as income tax and the GST, which of course placer miners have to pay.

The critics never suggest that we increase taxes on tourism or that we increase taxes on the knowledge economy. Rather, they are always looking for ways to incentivize those industries. We believe placer miners deserve the same considerations as an important player in our private sector and rural economics.

Will the government rule out any increases to placer mining royalties during the review of the mining legislation?

Hon. Mr. Pillai: Mr. Speaker, we will just clarify — as I said, there are discussions happening with stakeholders. The Member for Watson Lake touched on a review. I didn't use that word.

But when we talk about resource sharing, I think we have an obligation as a government and we have to work with our partners. On the court side, I think there was a lot of work done by the previous government. It was close. I think there was probably one signature that wasn't signed off, but I believe, especially as we go into a strong cycle, it's really important to make sure that we have a resource agreement in place so that affected parties are treated fairly and respectfully.

When it comes to the placer royalty regime, it's an embarrassing conversation to have with either Tr'ondëk Hwëch'in or Kluane First Nation. At one point, I talk about the fact that there was \$100 million worth of gold that was

taken out of Dawson last year and, at the same time, I have to talk about the fact that Tr'ondëk Hwëch'in got a cheque for \$64. The former chief of Kluane always jokes that the cheque that went to Kluane First Nation for their resource sharing went into the coffee fund, but even really couldn't buy a bag of coffee. It was like \$12 or something.

The Klondike Placer Miners' Association understands that this is a conversation that happens. We understand it is a conversation that has to happen and certainly as we move forward it's a conversation that —

Speaker: Order, please. Order.

Question re: North Canol Road bridges

Mr. Hassard: I have some questions regarding the North Canol. Weight restrictions on bridges along the North Canol Road are becoming a barrier to companies using that highway. For example, weight restrictions on the bridges are preventing fuel trucks from crossing. This will mean a fuel truck will have to unload, ferry their fuel across and then reload. This of course will result in a huge impact on customers. Additionally, exploration and resource companies are going to find it difficult to transport their equipment up the road as well.

Can the minister tell us what the government is doing to address this issue?

Hon. Mr. Mostyn: I thank the member opposite for the question. I am aware of the issue of weight restrictions on some of the bridges on the North Canol. Some of these bridges are old. They haven't been assessed in a long time. The department is currently doing their due diligence on those bridges to make sure they can handle the weight of the goods that both the department and some of the companies want to transport up that highway. I think it's incumbent on us as the government to make sure that the bridges can actually handle the weight that is being proposed to go across them.

Mr. Hassard: So I understand the minister to say that the bridges have not been inspected in a long time and that's why in fact the weight restrictions are put on them. We've heard from several companies that have been trying to get answers to the questions about these bridges and they have been unable to get any answers. They're wondering what bridges are affected; also, when will these bridges will be opened up again or when will these weight restrictions be removed? I'm wondering if the minister could please tell us today when he expects to have these issues resolved.

Hon. Mr. Mostyn: I acknowledge that this is an issue that I have been dealing with along with my departmental officials. I flagged it with them. I have been assured — I have had conversations even this week about this issue.

The officials are doing their due diligence on those bridges and as soon as I have an answer, I'll make the information known to both the companies and the Leader of the Official Opposition.

Mr. Hassard: I don't hear an answer on timelines. I'll try something else, Mr. Speaker.

With regard to the Pelly barge, I asked during HPW debate a number of days ago the status of the Pelly barge. At

that time, the minister informed this House that the barge had been inspected and was ready to go in the water. At that time as well, Mr. Speaker, I asked if the minister could provide me with the dates of commissioning and decommissioning over the past number of years. I have not received a response to that request.

Can the minister tell us today when the Pelly barge will be in operation and what seems to be the reason for the delays?

Hon. Mr. Mostyn: I thank the member opposite for the reminder. I actually inquired of the department this morning about some of the answers to the member opposite's questions that we had during budget debate. I apologize they're not here yet, but I have been assured that the answers to those questions are coming and I will provide them at the earliest convenience for the member opposite. I am endeavouring to get answers to his questions.

Question re: Electrical rate increases

Ms. Hanson: A week ago this past Monday, I asked the Minister responsible for Yukon Energy Corporation about a possible 14.7-percent increase in electricity rates for Yukoners. We know that the president of the Yukon Energy Corporation presented this scenario to the Premier's chief of staff at a meeting last December. We also know that the Energy Corporation was to produce an analysis of options to bring this increase down. The minister said last week that he was not aware of the existence of such an analysis, but that he would reach out to the corporation and then make public the analysis.

It has been nearly two weeks and so far the minister has not made this document public. Yukoners want to know if a 15-percent electricity rate increase is still on the table. Does the minister now have the analysis that was requested by the Premier's chief of staff and if so, why has he not made it public?

Hon. Mr. Pillai: Yes, this was brought up by the Leader of the Third Party — just asking about a memo. What I've done is I've dug into that and actually I have two memos that I'm going to table and then I'll send them out to all parties here.

Just for clarity on how this works, certainly what we've seen is — you've identified that number I think that probably was being used by the previous government of 14.7 or something like that. Certainly upon assuming my role as Minister responsible for Yukon Development Corporation, it is incumbent to understand the portfolios that I've been charged with. There are meetings that happen — more than just that meeting. There are meetings quite often between the Deputy Minister of Finance and the president of the Yukon Development Corporation and, at times, I have leaned on the chief of staff who was formerly at Yukon Energy Corporation.

They're moving very quickly toward identifying a submission toward rates. What I would ask the Assembly is that once that work is completed at that time, I will provide all members here — the other parties — with that information

that works through the process of identifying the rate application.

Ms. Hanson: We're not talking about the previous government. We're talking about a meeting that occurred with this government's chief of staff and the Premier that occurred in December 2016. At some point — it's warm in here — it feels like the Sitting is entering its last couple of days and it sort of feels like the minister is hoping this issue will go under the radar if he drags his feet long enough.

We know that the situation has changed since December. A cold winter and the extension of production at Minto mine have improved the corporation's finances — we talked about this last week — which will hopefully give ratepayers a break on the proposed 15-percent rate increase discussed with this government. The minister doesn't need to explain that. The minister doesn't need to explain the processes.

All we're asking the minister to explain is why he hasn't made public the options analysis prepared by the Energy Corporation, as requested by the chief of staff. When will the minister make these public?

Hon. Mr. Pillai: Let's clarify. One, I've committed to making this information public — or at least to the parties — at this particular time. Two, we're working through the process to identify what the rate numbers are going to be. Until that work is completed — I've talked to my officials, and the feeling is, let's get that work done and then you can look through the methodology on it.

I think that the good people at Yukon Energy are going to work very hard to ensure that they get the best possible rate out there — or the rate application number — taking into consideration this cold winter and taking into consideration some more revenue. What I did state is not — I understand the timing of the meeting. Absolutely, these discussions happened after I was in this role. What I touched upon is the number that I think you talk about — which is an over-14-percent increase — is what was identified to me as what the previous government had looked at when I took on the role. I'm trying to make sure it's less.

That's the work that we've been talking about — to ensure that we take everything into account and put together a proper application. That's what they're working on. I commit to you and to my friends across the way that we will provide this information that you've requested. But I think, through the process, it's appropriate for us to have that application filed. If there's something at that point that you feel I've done inappropriately, I'm sure you'll let me know about it.

Ms. Hanson: That's probably true. What we asked the minister to do was to make public the analysis of options that was discussed in December of 2016 — not the conclusion reached by this government, not what they're going put forward, but the analysis of the options that was asked for by the Premier's chief of staff.

We know that a 15-percent rate increase would cost families a lot of money. The least Yukoners can expect is to know what options were or are being considered by this government. In his answer to my question last Monday, the Premier said — and I quote: "There is nothing to hide here..."

So if there's nothing to hide, why did the corporation refuse to give a number when they appeared in this House and why has this minister not made public the analysis of the options that were prepared months ago?

So the question is simple: What is the latest figure? Is the intent to apply for a 15-percent rate increase? If not, what rate increase is being considered at this point?

Hon. Mr. Pillai: If the application was completed, I would have a number. If the application was completed, I would hand over this memo with all the methodology. We are working through a process to get an application completed.

In the many professional roles that the Third Party leader has had, I would assume that when you're going through a process and you're working through it — as she said, if you haven't gotten to a conclusion on the work, is it time to lay out all your methodology and your work? We're working on it.

As I stated, I hope there will be good news. It certainly wasn't good news when I saw the first numbers, because — you're right. You are absolutely correct. A 14-plus-percent increase is tremendous.

That's what happens when you hold off, year after year, from going to rate and you continue to spend. What we're going to do here is ensure that we can get the best possible application in place — the good people of Yukon Energy Corporation will do that — and then move to a process and a governance model where we see the rate application go into place on a scheduled time so it's not politically interfered with, and that's what I commit to here in the House today.

Question re: Species at risk

Ms. White: The environment report tabled last week stated that the number of species at risk in Yukon has increased over time and it is expected to continue to rise. The National Accord for the Protection of Species at Risk committed federal, provincial and territorial governments to a national approach to prevent species from becoming extinct due to human activities. That accord involves doing four things, one of which is the creation of local species at risk legislation.

Other jurisdictions are meeting their national accord commitments, but Yukon has refused and, in doing so, failed to protect our plants and wildlife for future generations.

Mr. Speaker, when will this government fulfill its commitment to the national accord and pass Yukon-made species at risk legislation?

Hon. Ms. Frost: With respect to the question from the member opposite, at this point in time I'm not committing to a definite date or a response on when that will happen. We will go through a process. We know that there is some federal legislation, some national legislation, that governs what we do in the Yukon with respect to managing our special resources. When that happens, we will then proceed in devising and designing special protected areas and special management measures that are required under the self-government agreement.

We take into consideration some of the special indicated areas, and that's how we will proceed — by way of consultation and engagement with the public of the Yukon.

Ms. White: Just for clarification, we're speaking about species at risk legislation.

Mr. Speaker, the Yukon Department of Environment website identifies five species that are endangered, 10 species that are threatened, and 25 that are of special concern. These species are identified by the Committee on the Status of Endangered Wildlife in Canada. If there's one thing Yukoners can agree on, it's that we are lucky to live in a territory with such diverse wildlife. Whether it's the moose and the caribou in the wildlands, the blanket of orchids or Baikal sedge below with a peregrine falcon winging above us, we are fortunate to share this land.

Mr. Speaker, can the minister explain to Yukoners why species at risk legislation is not a priority for this government?

Hon. Ms. Frost: I'm going to recite the comment. The Yukon has 35 native species that are considered at risk. This is the second-lowest number in Canadian jurisdictions. We track the status of all species in the Yukon and manage and monitor the wildlife that are at risk, and we will respond accordingly.

Ms. White: In October 1996, Canadian Environment ministers agreed in principal to the accord for the protection of species at risk, and Yukon signed that document in 1998.

Nearly 20 years later, we now have 39 identified species at risk in Yukon. As mentioned in the government's own report, that number is expected to increase as more species are assessed. Legislation would give Yukon the tools to participate in recovery strategies and management plans once a species is listed. Species at risk need legal protection for their habitat and the development of recovery plans. This can only be done by developing species at risk legislation.

The previous government refused to act. When will this government finally fulfill Yukon's obligations and table species at risk legislation?

Hon. Ms. Frost: With the exception of climate change, Yukon species do not experience the same threat as they do in the rest of Canada. We still have a whole tract of undisturbed lands. We have a relationship with the First Nations, we have a relationship with the land managers, and we will look at providing oversight and management where necessary.

Our biologists in the department continue to work with the federal species at risk assessment and recovery planning. Our participation is one of commitment and, as part of Yukon's commitment under the National Accord for the Protection of Species at Risk, we will ensure that we abide by those processes. We rely on environmental assessments, management planning and other legislative tools to effectively address species at risk interests in Yukon.

Question re: Whistle Bend water main extension

Ms. Van Bibber: Yesterday I asked a constituency issue question, and the Minister of Community Services briefly spoke about a different issue about the water main extension from Porter Creek into Whistle Bend. The response was unprompted but was clearly at the top of the minister's

mind, suggesting there may be some problems with the project. Could the minister update this House on this project and what the issues are? Also, how much is being spent and when will it be completed?

Hon. Mr. Streicker: I thank the member opposite for her question. There is a forced water main that is being built in behind the south end of Porter Creek, which is going down to service Whistle Bend. The growth of Whistle Bend, including the continuing care facility, needs more water, and we have put a water main in there. We had heard from some citizens who were concerned that this meant land development in the area behind Porter Creek, and we reassured them that this was not the case.

As well, there were other concerns that were raised, and I spoke with the department yesterday about those concerns and some of the constituents who happened to be at the seniors tea yesterday. It was with respect to the size of the trench and the width of the trench. I can provide a little more information on that if the member asks follow-up questions, but generally this is about developing land in Whistle Bend and ensuring that we have the infrastructure that will service it, and that work will be completed this summer in the next month or so, as I understand it.

Ms. Van Bibber: Regarding the water main project, the minister had mentioned that it would also interfere with trail systems. Can the minister elaborate on how this project will interfere with the trails, or will the trails be back to normal after the construction?

Hon. Mr. Streicker: I would be happy to, Mr. Speaker. It interferes with trails because there is a big water main going down the middle of the spine — I think it's called. There is a hill where the water main is going down and they had to dig a trench.

As it turns out, they tested the soil type as they were digging that trench. The soil type was such that it's a more sandy or silty soil. As a result, you need to dig a wider trench. It's in order to ensure that the workers who are there are working in a safe manner — so working with workers' compensation.

Widening out the trench means that you have to interfere more. Absolutely, the contract states — and it will be — that it will be returned to its natural state, which will include planting some trees and rehabilitating all along. That has always been a part of the contract and, as I understand it, things are on track.

Question re: Cannabis regulation in Yukon

Mr. Cathers: The federal government has tabled legislation that will fundamentally change how marijuana is dealt with in Canada. The *Cannabis Act*, which is before Parliament right now, would allow adults 18 and over to possess up to 30 grams of dried cannabis or its equivalent in public, share up to 30 grams of dried marijuana with other adults, and buy cannabis or cannabis oil from a provincial or territorially regulated retailer.

This new federal framework creates a significant role for the Yukon government. It appears that licensing, distribution

and retail sales will all fall on the shoulders of the Yukon government. What plans does the Yukon government have to regulate marijuana here in the Yukon?

Hon. Ms. McPhee: I thank the member opposite for the question. His preamble to that question is correct. Those are all of the terms that are currently set out in the federal legislation, which will, on this schedule, come into effect in July 2018. The jurisdictions across Canada — all the provinces and territories — are working collaboratively to determine how to best implement the legislation in a territorial or provincial way, and those working groups are under way. Our Department of Justice has worked throughout the last number of years knowing that this piece of the legislation and the determinations of how it was going to be implemented here in the territory will move forward. We will take guidance from that and make sure that there is a Yukon response.

Mr. Cathers: That would be a much better answer if I weren't the former Justice minister, and I am well aware that the Department of Justice, in fact, was waiting for details from the federal government while participating in those working groups. Again, I am asking what this government plans to do, and the minister did not provide an answer.

Provincial and territorial health ministers have expressed concern about the new laws and the weight being placed on territories and provinces, with Alberta's Premier saying that provinces would be left with lots of heavy lifting in this area. We also know that this is a big concern for the RCMP in the areas related to the costs of enforcement and compliance, especially in the area of impaired driving, and the effects of increased use of marijuana on impaired driving are not yet known.

Will the Yukon government be pushing Ottawa for financial compensation to help with the significant burden of developing a new regulatory framework in response to this rushed new law, and will they be pushing them for additional money in terms of police resources to keep our roads safe?

Hon. Ms. McPhee: The focus here in the territory on the implementation of this legislation will, of course, be on safety and wellness of Yukon citizens.

I can't answer the questions that have been asked by the member opposite, even if he was the former Minister of Justice, because we simply don't have those answers. We are in the process of discussing those issues, as he knows well.

As he says himself, the department is working hard on this particular issue. We're working with other provinces and territories. We're in the process of determining policy and how to go forward on the particular issue, always with the concept of Yukoners' safety and wellness foremost in our minds.

Mr. Cathers: The federal government has chosen July next year for the new law to come into effect. While it may be politically expedient for the Liberals, it will create real challenges for the provinces and territories that have to do the heavy lifting of dealing with licensing, distribution, retail sales and highway enforcement.

Will the minister acknowledge that her government is still in search of a vision on this and hasn't figured out the answers

to how to implement this? The Alberta government has launched public consultation on cannabis laws. The Quebec government has announced public consultations beginning later this month. New Brunswick began work on the file months ago.

Does the Yukon government plan on tabling legislation in time to meet the Ottawa deadline of July 2018? When will they begin public consultations and what will happen here in the Yukon when pot becomes legal if the Yukon does not have a legislative framework?

Hon. Ms. McPhee: We're not in search of a vision. The department is not in search of a vision. We are working very hard on this issue. We are working in consultation with a number of departments across the government here in the territory — Health and Social Services, Justice, Education and others. We are working with the provinces and territories across the country. We will be ready for the legislation in July 2018.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Hutton): I will now call Committee of the Whole to order.

The matter before the Committee is general debate on Bill No. 5, entitled *Act to Amend the Human Rights Act and the Vital Statistics Act (2017)*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 5: Act to Amend the Human Rights Act and the Vital Statistics Act (2017)

Chair: The matter before the Committee is general debate on Bill No. 5, entitled *Act to Amend the Human Rights Act and the Vital Statistics Act (2017)*.

Hon. Ms. Frost: Mr. Chair, I would like to invite the staff from Health and Social Services and Department of

Justice to please join us here today. We have Clara Northcott, Bhreagh Dabbs and Dan Cable, who have all been involved in the drafting. They are here to provide technical support to Minister McPhee and me. Thank you and welcome.

I will just get started while they're getting organized and settled. Bringing back to Committee of the Whole, Bill No. 5, entitled *Act to Amend the Human Rights Act and the Vital Statistics Act (2017)*, I am very honoured today to be the member of this Legislative Assembly and the Minister of Health and Social Services, participating in the debate on the *Act to Amend the Human Rights Act and the Vital Statistics Act (2017)*.

These amendments improve the rights of many Yukoners. As the Member for Takhini-North so eloquently put it when we went through second reading: Trans rights are human rights.

It may be a difficult conversation to have with some people and it may be very uncomfortable, but it is the right thing to do. These amendments are long overdue. We could talk longer and we could consult longer, but in the end, the changes to legislation that have been found to be unlawful still need to happen.

With my two colleagues, the Minister of Justice and the Minister responsible for the Women's Directorate, we met with transgender Yukoners and their families and we heard first-hand how important these amendments are for many Yukoners and how long they have been waiting for them.

As I have said previously in this House, we are the only jurisdiction in Canada that has not introduced legislation to remove the requirements for surgery before being allowed to change the sex designation on a birth certificate. The law is clear: legislation schemes similar to our current legislation have been found unconstitutional or discriminatory in different jurisdictions across the country.

Advocates for the transgender community argue that it is not about medical diagnosis; it is about being able to identify your own gender without having to undergo major surgery. We believe quite strongly that people have a right to self-determination of their gender without having to be evaluated and assessed by a medical doctor or a psychologist. We also appreciate that children may be especially vulnerable, so we are requiring a second person to support the application.

In response to the letter tabled by the Member for Lake Laberge, young persons under the age of 16 are not able to change the sex on the birth registration without the permission of all persons having custody unless they have an order from the Supreme Court. We are not taking away the rights of the parents.

Originally we had proposed the age range of 19 and older, but due to the overwhelming response that 19 was too old, we changed that to 16 years of age and older. Many transgender youth do not have the support of their parents. Across Canada, jurisdictions are mixed, with some jurisdictions relying on the age of majority while others allow children or young people as young as 16 years and older to apply on their own. Quebec allows persons as young as 14 to apply on their own.

To reduce barriers, we moved away from jurisdictions that require supporting letters from a doctor or a psychologist. We extended the list to include people who can be found in every community in the Yukon, whether you are from my home community of Old Crow or Watson Lake, a young person and their family will be able to navigate the process.

I listened to the honourable members for Watson Lake and Lake Laberge and I understand their concerns about short consultation periods. Normally we would have a longer period, but given the intention to table the bill this spring, we did not have the time. That being said however, we received great responses to the time that we did allot.

The consultation on the amendments received 329 responses, 325 to the online survey and one mailed comment and three written responses. Many people asked why we were even consulting when it is so clear that the changes needed to happen. We have been having this conversation now for a while and officials have received written correspondence from various people over the course of a few years asking for changes to the *Vital Statistics Act*.

As I have said previously, transgender Yukoners help to make up the beautiful fabric of our Yukon. They come from all walks of life, from the very young to the very old.

Shaun LaDue, a local advocate, tells the stories very eloquently about the history of two-spirited people in our First Nation cultures. I too have heard those stories of two-spirited people.

I'm just going to highlight again that all jurisdictions in Canada except Yukon have amended their vital statistics act to allow transgender people to change the gender on their birth certificates without the requirement of surgery, which means that we are behind the times in the Yukon. Amendments that we are proposing bring us in line with other jurisdictions in Canada.

As much as we try, we are attempting to remove those barriers, the barriers to putting the human rights legislation in line with the rest of the country. Mr. LaDue and Mr. Blodgett have been very strong advocates for many years in trying to get government to make these changes. These are people who have written letters urging government to amend the *Vital Statistics Act*.

My officials at the vital statistics office have received calls from parents from Whitehorse and other communities wanting to know when they will be able to change their children's birth certificates.

In conclusion, Mr. Speaker, I'm very pleased to be a part of this process that improves the rights of Yukoners. I recognize that not everyone will be happy. Some will say we did not go far enough; others will say we have gone too far. Of course, there is more work to be done, and we will get there in time.

At this time, Mr. Chair, I would like to invite the Minister of Justice to speak to the amendments to the *Human Rights Act*.

Hon. Ms. McPhee: First of all, I would like to thank the department officials of both departments who are here with us today. Thank you very much for being here.

Mr. Chair, as Minister of Justice and the Attorney General, I would like to just say a few words today about gender identity as it relates to the law and, in particular, with respect to the changes that are being proposed today in the draft legislation that is before this House.

I will note here in part of my presentation that a recent case out of Alberta struck down parts of their *Vital Statistics Act*. I'm happy to send the link to anyone who would like to read that case, but I can summarize it here for the House in a few paragraphs.

The case is called *C.F. v. Alberta*. It's a case in which a transgendered applicant was unable to have her new gender reflected on her birth certificate and other government identification because she had not undergone sex-change surgery in that case. The Court of Queen's Bench concluded in Alberta that their *Vital Statistics Act* actually violated the applicant's *Charter of Rights* protections and was, to that extent, of no force and effect. So their legislation was struck down by that court decision.

The judge ordered that the government issue a birth certificate in her preferred gender within 30 days. A consequential update to the *Vital Statistics Act* in Alberta and the corresponding information regulation followed in February 2015, which now ensures that transgendered individuals have their gender identity reflected on their government-issued ID cards, driver's licence and birth certificates, of course, in Alberta.

I think it is critical to note that the language of the *Vital Statistics Act* in Alberta that was struck down by that case and determined to be of no force in effect was almost identical to the language that we currently have in the act here in the territory.

In addition, the Government of Canada has revealed that their new passports will be able to have non-binary identification. Other forms of ID available to Yukoners will be reviewed as part of the promised LGBTQ2S legislation — a review that our government has committed to.

Across Canada, legislative drafting conventions are being changed to remove gender-specific language, where possible, in the legislation, and that will also be a lens with which we approach the legislative review here in the territory. Also across Canada, individuals have brought human rights complaints regarding discrimination faced by members of the LGBTQ2S community. The Yukon was, of course, aware of this, but for some reason, until now, the government had failed to act.

Indeed, gender rights and the rights of persons have faced legal tests in the Yukon before. In *Dunbar & Edge v. Yukon*, we saw a local couple fight and win their right to marry in Yukon and they rightly won their case. While this was not a specific-to-gender-identity case, it still was a landmark case here for the territory with respect to same-sex marriage. In the case of Dunbar and Edge, successive governments refused to make necessary changes to legislation despite questions that were brought in this House and requests from the public over many years since that time.

In the Yukon, we have faced human rights complaints about drivers' licences. In that particular case, the individual was fighting to have their gender identity reflected in something as simple and everyday as their driver's licence. That was not permitted.

The government made a policy change to accommodate persons of non-binary gender identification — but they should not have to go through the human rights process to have their gender identification on a driver's licence. That is a burden and a barrier that we are trying to remove here.

All this to say, Mr. Chair, is that the world has moved on, as my colleague has noted, and the previous government did not adjust legislation in the Yukon to accommodate the changes that have happened in common law. The courts have moved progressively ahead of legislation and we're now trying to catch up. As I have noted, C.F. in Alberta very clearly did. They made it very clear that legislation needs to catch up.

This puts this government's legislation into question and brings the Government of the Yukon, which must act lawfully in its dealing with citizens, into question.

Our government did act quickly in making changes to legislation to deal with sections that faced the surety of being struck down, should they be challenged. The consultation was short, but well-advertised and well-subscribed. As my colleague noted, it garnered 329 responses from Yukoners in a very short time, which is far more than many consultations that have occurred over much longer periods of time have managed to obtain. Yukoners have had their say and the courts have spoken. As a result, we have acted.

I would also like to welcome our guests here this afternoon. Mr. Chase Blodgett is here, and I thank you for your guidance on this issue, for helping us, and for being here today.

Applause

Mr. Cathers: I would just like to note in beginning my comments today on this bill that my comments are from my personal perspective, and are not necessarily reflective of an Official Opposition caucus position in some of the specific concerns I am raising.

I would like to begin by noting, as I did in second reading, that I support the protection of human rights for all Yukon citizens, including people who self-identify as transgender, non-conforming, or any of the other terms that are commonly used. I also believe that the Yukon government — and indeed, all government — should respect the rights, dignity and values of all people. I believe steps should be taken to improve how the Yukon government meets the needs of all citizens.

As I noted in second reading, I do have some strong concerns with, not only the content of this legislation, but the fact that public consultation appears to me to have been deliberately rushed, and the government did not recognize the fact that there are a number of Yukoners who do have significant concerns with what this might mean. I have heard from some people who are opposed to Bill No. 5, and others

who are simply concerned, don't fully understand these implications and haven't been able to get answers to their questions from government.

What is particularly disturbing to me is that government — especially government that had the audacity to run on an election campaign platform of “be heard” chose to launch an 11-day public consultation and launch it during March break. I have heard from many Yukoners who are upset with the fact that their views were not considered valuable by this Liberal government.

I am going to reiterate a few of the things that I said during second reading on May 16. In the interest of this House's time, since this is the third-to-last day of the Spring Sitting, and there are a number of department budgets that have not been debated here in the Assembly, I am going to be addressing a number of specific concerns related to Bill No. 5 in a letter to the Premier and ministers. In my letter, I will also be sharing the views of Yukoners who have contacted me about the legislation and have asked me to share their specific concerns and questions with the government, and to help their views be heard by this Liberal government, even if that may be after the date that the government has pushed the legislation through.

We understand, in terms of timing based on what had been shared by the government through our House Leader, that Committee will be today, with third reading expected next week. I hope that government will consider the concerns and comments in my letter prior to third reading, but I don't get the sense that they're listening in this particular case.

I want to acknowledge that I have friends and constituents who have strong opinions on this legislation and who strongly disagree with each other's perspectives on this issue. This is an issue that — both for people who are in favor of changes, and people who are opposed to changes or are concerned about the changes — is a very personal and emotional issue for people. I believe that all of these people, whatever their perspectives, do have a right to have their views heard and respectfully considered by government before government makes a decision.

The changes especially proposed in the *Vital Statistics Act* are a foundational shift in how the Yukon government defines gender.

Now, what I do want to note as well — and correct statements that the minister of Health and Social Services made, as well as to a lesser extent the Minister of Justice — is, in fact, that there is one section of the *Vital Statistics Act* based on the legal advice that I had prior to the election from the Department of Justice that might have been overturned if it were subject to a human rights or court dispute, but for most of this legislation — in most of the seven pages of legislation, we see the Minister of Health and Social Services' statement that it was found to be unlawful is in fact misleading and not true.

Mr. Chair, I do want to note as well that the Liberal government chose to do only 11 days of public consultation on this major change and I believe that to launch that public

consultation during March break was dismissive of the views, opinions, questions and concerns of Yukon citizens.

As I noted at second reading, the proposed amendments to the *Human Rights Act* contained in part 1 of Bill No. 5 largely reflect current common law as it pertains to the rights of citizens to be protected from discrimination.

I would also again state as a result of concerns that I have heard from Yukoners that I believe the Yukon *Human Rights Act* needs to be reviewed and amended in the future to provide additional clarity, so that ordinary people reading it have a clear understanding of what it means and what should happen when there is a real or perceived conflict with the rights of Yukon citizens as well as to ensure that there is a fair balance with potentially conflicting rights.

Since second reading, in addition to hearing from more Yukoners than had contacted me prior to that date on all sides of this issue, I have also done more research on human rights disputes and court cases in other Canadian jurisdictions that have strengthened my firm, personal belief that additional changes to human rights legislation are necessary to protect the rights of all Yukon citizens and avoid unnecessary human rights and legal disputes over questions of interpretation. I believe those changes should be developed through full, meaningful and respectful consultation with all Yukoners.

In my letter to the Premier and ministers, which I will table in the Legislative Assembly so that all Yukoners can see it after I finalize the wording and sign it, I will point to specific human rights cases and disputes from both British Columbia and Ontario that demonstrate where lack of clarity in legislation and in the respective human rights codes in those jurisdictions led to long human rights and legal battles between citizens of those provinces. I will not take much of the House's time this afternoon to get into the details of those, but I will note this for the record and expand on it in my letter.

Many of those disputes have lasted for years and, in one of the cases I reviewed, people spent over a decade arguing in front of, first, the human rights tribunal and then later the court and the Supreme Court before it was resolved.

Mr. Chair, a prohibition against discrimination sounds simple and on its surface it is, but what has led to human rights and legal battles in other Canadian jurisdictions is that sometimes the rights of one person and the perceived rights of individuals do come into conflict with the legal rights and the human rights of someone else. When legislatures and legislators have not defined what happens in that situation, people in other Canadian jurisdictions have ended up fighting over which of them is right in long human rights and court battles that have probably caused people on both sides of the dispute to suffer personal hardship and emotional and financial strain.

Regardless of which party was ultimately found to be right or whether the decision was a mixed decision by a human rights commission or court — whichever made the final decision in each of those cases — the point that I want to centre on is that people on both sides of the issue appear to have believed that they were firmly in the right.

In the absence of clarity provided by legislators, they were put through emotional and financial strain to defend their views of what their rights were.

The primary source of most of those conflicts between citizens is, in my view, this: section 2 of the *Canadian Charter of Rights and Freedoms* says as follows: “Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association.”

Where the problem comes into play is that, sometimes, Charter rights and prohibitions against discrimination do come into direct conflict when one person's human and legal rights conflict with someone else's. As a result of unclear human rights legislation in other Canadian jurisdictions, citizens have in some cases been forced to spend years and their own financial resources arguing whose rights prevail in those cases, when those fundamental freedoms listed in the Charter come into conflict with prohibitions against discrimination.

This is due primarily to lack of clarity about what the words “... subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society” in section 1 of the *Canadian Charter of Rights and Freedoms* mean in such conflicts.

However, all the cases I have researched were also influenced by specific wording in each of those provinces' human rights legislation or human rights code, so it is naïve and incorrect for the government to assume that those cases have necessarily set a clear legal precedent for the Yukon.

In my opinion, adding another clause prohibiting discrimination without legislatures clarifying what happens in the case of conflict between people's rights may be laudably intended — and I know is laudably intended — but it reminds me of the infamous situation when former President George W. Bush flew the “mission accomplished” banner during the war in Iraq. Most of the battles and the personal hardship will be after that point, not before it.

Mr. Chair, I believe the Yukon should not make the same mistake that has been made in other jurisdictions. That is why I am urging the government to conduct full, meaningful and respectful public consultation with Yukoners on this important issue, including additional amendments to the *Human Rights Act* to properly define human rights laws so our fellow Yukoners don't have to go down the same road and bear the same difficult burden as people have in other Canadian jurisdictions. If legislation and legislators do not clarify what is expected, it will be left to the Human Rights Commission to decide on and arbitrate disputes, or to the courts to do the same. That will come at a personal cost to everyone involved.

I will now move on to speaking about the *Vital Statistics Act* changes.

Mr. Chair, it's important to note for the record, and for any Yukoners listening, that most of the text of this bill are changes proposed to the *Vital Statistics Act*. Government's proposed changes to the *Vital Statistics Act* are not based on an area where human rights law is currently clear. In fact, it

appears to me that this legislation is a different model from any other legislation I have seen from a Canadian jurisdiction.

Changes to the legislation in several provinces pertaining to birth certificates and drivers' licences to accommodate people who self-identify as transgender, intersex, gender non-conforming or gender-fluid have not been approached in a consistent manner across the country, and human rights law in that area has not been clearly defined. That is one of the reasons why I believe it's important to respectfully listen to each and every Yukoner who has a view on the subject and to respectfully consider their views before making the final decision.

Another issue that I have with how this process has proceeded is that the government has been secretive about what it has heard — has quoted numbers, but has not actually disclosed it. At the briefing on the legislation in April, I asked the government to release its analysis and comparison of vital statistics legislation of this type in other Canadian jurisdictions. The government has still not done so. I know that comparison work was done, because I saw an earlier copy of it for last year that was handed to me by officials of the Department of Justice. I'm sure, knowing the quality of the work that they do, that they would have done that jurisdictional scan and provided it to government. I know it's not up to officials to choose whether that information is released or not. It is the Cabinet that has chosen not to share the information. They have not provided the jurisdictional scan, nor have they given us a copy of the "what we heard" document.

Mr. Chair, the Liberal government has chosen a model for allowing changes to a Yukon birth certificate that are a major change in the current legislation. It moves away from a model where a birth certificate is intended to reflect anatomical sex to one where someone can change their gender on their birth certificate because they want the change. The contents of this section of Bill No. 5 have been criticized by All Genders Yukon, by local churches and individual Yukoners. I want to again note for the record that All Genders Yukon's position was clear that they would rather see the bill pass in its current form than not at all. There are others, however, who do have questions and major concerns about Bill No. 5.

For the record, it is important for me to note again that the Official Opposition wrote to the Minister of Health and Social Services and the Minister of Justice jointly in March, during that tiny window of public consultation, and respectfully requested they extend that consultation period to make it at least 30 days long. Mr. Chair, as you know, the government rejected that perfectly reasonable request for an extension of the timelines for the public consultation. I would note again that this is a government that has now been in office for over half a year, yet they only saw fit to consult with Yukoners on this major change for 11 days.

One of the things that I have heard repeatedly from Yukoners is that they are upset this Liberal government chose to break its promise to listen to Yukoners and the promise that Yukoners would be heard. I would in fact argue that even if government didn't like feedback from other Yukoners, or

chose not to go down the direction they were urging, they had nothing to be afraid of in listening to Yukoners, hearing their concerns, hearing their questions and determining whether additional changes would be required to the government's original vision.

Past governments typically publicly released "what we heard" reports rather than simply referencing them in the House in the interest of public accountability and public disclosure after doing public consultation on changes like this and even more minor changes. In "what we heard" documents, personal information, which is supposed to be protected under the *Access to Information and Protection of Privacy Act* is typically removed and redacted, but everyone could see the comments that were received and the major themes that emerged from public consultation.

Again, the current government has not chosen to release that information despite the audacity of claims — including from the Minister of Highways and Public Works yesterday — that this is a government that believes in proactive disclosure rather than forcing citizens to resort to ATIPP. There is no valid reason not to release the "what we heard" document or the jurisdictional comparison. It is just a choice by this current Liberal government to be secretive, not only with members of this Legislative Assembly, but with the public, and not provide that information and the actual content of what Yukoners said, but instead choosing to refer to it or claiming that they are referring to what they heard, but they haven't actually provided the proof of their statements here in the House.

Mr. Chair, I would note again that among the Yukoners who have provided concerns — I tabled this week a letter from a constituent who expressed her concerns and questions about the lack of public consultation. She noted that she had not heard of it, noted that she would have liked to have provided her comments as would her husband and referenced her discussions with her First Nation who also told her that they were not aware of this change. She expressed concern and asked questions about the lack of consultation with First Nations — and in fact, I would note that this lady is a former chief of her First Nation and a well-respected member of that community.

Again, Mr. Chair, these concerns are coming from a number of spectrums of Yukon society. As I stated at second reading, the most significant changes and the ones that are not clearly founded on a consistent model of human rights legislation across the country are in the area of policy choices the government has made in the vital statistics legislation that take up most of the seven pages of the bill.

With that introduction, as I noted at second reading, I'll ask the government to split the bill and to send the vital statistics' changes out for further public consultation. I will also now add to that a request for the government to agree to conduct full, meaningful public changes — additional changes to the *Human Rights Act* — to better define what happens when the rights of Yukoners conflict and to consult full, meaningful public consultation on the *Vital Statistics Act* changes.

Will the government agree to split the bill and send parts 2 through 5 out for consultation?

Some Hon. Member: (Inaudible)

Point of Order

Chair: Ms. McPhee, on a point of order.

Hon. Ms. McPhee: If I might, Mr. Chair — I don't want to take any time from the Leader of the Third Party, but I note that while the member opposite is not speaking on behalf of his caucus, I'm seeking an apology and a withdrawal of the statements that myself and the Minister of Health and Social Services have been misleading in this debate and have said things that are untrue.

Chair: Mr. Cathers, on the point of order.

Mr. Cathers: Thank you, Mr. Chair. I made statements that the Speaker has ruled in order in this session. I believe those comments were misleading and not true. I did not say they were deliberately misleading and not true, but I do believe they were misleading and not true.

I would like to correct one thing I said though. There are actually four parts to the act. I was quoting without my notes in front of me. Parts 2 through 4 are the parts that I'm encouraging government to split off and send out for public consultation.

Chair: Ms. McPhee, on the point of order.

Hon. Ms. McPhee: Thank you very much, Mr. Chair. What the Speaker has ruled is that the use of those words are contextual and my submission to you this afternoon is that the member opposite in fact said that what we had said here in this House was misleading and untrue — not that it was the opinion of that person — but in fact that was the case. I'm seeking an apology and a withdrawal of those statements; they are not correct.

Chair's ruling

Chair: On the point of order, I'm going to use some words from my father: Nothing in the world can be sliced so thin it doesn't have two sides. This is a disagreement among members.

Mr. Cathers: I still did not get an answer from the minister on the question of whether she will agree to split the bill and consult further on the *Vital Statistics Act* changes prior to proceeding with that. I would again ask that question.

Hon. Ms. McPhee: I'm not responding to that because I don't understand it to be an amendment or a motion or simply a question. I'm happy to answer the question, if that's what it is.

Mr. Cathers: Again, I just note for the record that the minister refused to answer, which it was indeed a question.

Mr. Chair, I will not spend much more of the House's time here this afternoon. I do recognize this is, for all the people both in the gallery and listening today, a very important issue for people. What I am most deeply disturbed about in this process is that this current government has had more than half a year in office and did not recognize the fact that there are Yukoners who are genuinely concerned about

whether and where there may be conflicts between prohibitions against discrimination and the *Canadian Charter of Rights and Freedoms* section 2, which says, "Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association."

It is disappointing that government has chosen to tell these people that their views and their concerns are not worth listening to or answering.

Hon. Ms. McPhee: I now understand that it was a question. We will not be splitting the bill.

Ms. Hanson: I was actually quite confident coming in here this afternoon that we were here to actually move forward on something that has been discussed at length both in the 34th Legislative Assembly and in the 33rd and probably before that.

I don't want to spend much time, because it seems to me the last time I had to try to collect my thoughts after the Member for Lake Laberge spoke — it's very difficult because it feels like we're listening to a reprise of an Ezra Levant editorial or something, and it's difficult —

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Cathers, on a point of order.

Mr. Cathers: That is clearly abusive or insulting language pursuant to Standing Order 19(i) to compare me to Ezra Levant. I would ask that you direct the member to retract it.

Chair: Ms. White, on the point of order.

Ms. White: Mr. Chair, I believe this is a dispute among members.

Chair: I didn't catch the words that were offensive and insulting to you — if you could repeat them, possibly.

Mr. Cathers: I believe it was offensive and insulting language for the Leader of the NDP to say that my comments sounded like an Ezra Levant editorial and I would ask that you direct her to retract them.

Chair's ruling

Chair: I'm going to rule on that as a dispute between members. I'm not really familiar with Ezra Levant, so I can't make too many comments on that.

Ms. Hanson: Thank you, Mr. Chair. Perhaps it would be safer ground to just go back on the fact that it is a fact that the Member for Lake Laberge was the Minister of Justice for a significant portion of the 14 years that the Yukon Party was in government and that, as a Minister of Justice, as a Minister of Health and Social Services, he had ample opportunity to influence his caucus colleagues to bring forward these kinds of amendments to the *Vital Statistics Act*, the *Human Rights Act*, and the other pieces of legislation that the Yukon NDP has, over the last six years, identified that are discriminatory and continue to be discriminatory. We have stood in this

Legislative Assembly to support these amendments because we have said — and we still say — that they are a good first step.

I find it ultimately perplexing how a member who has been in government doesn't seem to understand that ultimately governments are elected to make decisions and to be willing to be held to account for those decisions that they take.

The approach of the previous Yukon government, Mr. Chair, seemed to be either to take an ostrich approach — to stick their head in the sand and say, "It's not happening. Too bad, so sad; who cares?" — or force court action.

I don't think in this era, when we know the consequences of that — and he speaks about the worry that it causes to have somebody's feelings hurt because their interpretation of a right might be at odds. Well, I don't think that's what we expect our elected representatives to do. When he speaks of the issue of the rights of some who do come into conflict with others — and that's true. Yes, part of that is an issue of perception. The white supremacist who wanted to stone black children who had the audacity to think they could go to white schools thought they had a right to do that — that was their God-given right. I don't think in this era that we would agree with that.

We have talked about over the last two or three years — since 1996 with the Royal Commission on Aboriginal Peoples and then, since 2015, with the Truth and Reconciliation Commission. We have talked about recognizing — every single person in this Legislative Assembly has recognized — the state racism and genocide that occurred through state policies. Those were human rights, Mr. Chair. People thought they were the right thing at the time.

Governments have to have courage to do the right thing. I applaud the government for doing the right thing. I think there is more to be done, and we have said so.

The previous Member for Copperbelt South, in her debate with the Member for Lake Laberge — and I cited this the last time, how frustrating it is to see these same tactics reprised time and again when she brought forward a motion in 2015 to make these kinds of amendments. There were tactics of amendments and subamendments, and then a promise by the then-minister, saying that they were supportive of making the amendments to the human rights legislation.

I think we have had enough of that kind of going around and trying to avoid — dodgeball is not something that is becoming of elected members. As I said, when we had this discussion last time, I used the phrase that Martin Luther King had said when he paraphrased the phrase about justice delayed being justice denied, and he said, "Human rights delayed are human rights denied."

Mr. Chair, we urge the government to move forward on this and, during the course of its review that the minister outlined, to ensure that the other pieces of legislation that are discriminatory will also be addressed.

Hon. Ms. Frost: Just a few points for clarification — the Member for Lake Laberge — it's interesting to note that the personal opinions are his own opinions, and he then recites

some very specific points around the responses received and what the member is hearing from his constituents. He noted that 84 percent of Yukoners responded to the survey in that short time frame, which I think is a good demonstration that Yukoners responded in short order to state that they are in agreement.

I want to read a couple of comments from the survey that reinforce how important we believe these amendments are. This is an important step in ensuring people's right to safety and dignity, that people do not remain invisible or feel afraid to express their full-selves. When people feel safe to express who they are fully, our community thrives.

The member of the Third Party highlighted some of the significant systemic barriers and racial processes that have happened over our history, and what we are hoping to do through this process is eliminate some of those barriers that some of us have been accustomed to.

This is another comment. I am reading right from the comments received: This is long overdue. Thank you for making it possible for LGBTQ individuals to feel safer in Yukon.

The comment around "we didn't hear; where's the document, where's the feedback?" The "what we heard" document was posted right after, on the Health and Social Services website, so that had been made publicly available, so the member opposite had not seen or heard — if he checks on the website, I'm sure he can find the comments received.

Now, the letter that was sent out was also sent to the opposition asking for comments on March 13, and we have not received any formal comments back from the Yukon Party. If the comments being received today are coming specifically from one member and one member's opinion, it would perhaps be an idea, or a good gesture — or perhaps an indication from the party about how they all feel about this legislation than for one individual to stand up about how he, perhaps, feels specifically.

The specific comments comes right out of Hansard: I have friends and constituents who have strong opinions on this issue, and who strongly disagree with other's perspectives on this issue — further stating, including three of our local pastors who have congregation members with concerns about content.

I am going to state that this is not a religious debate. This is a debate about human rights, human rights legislation and the rights of individuals in the Yukon, further stating that the *Human Rights Act* needs to be reviewed and amended in future to provide additional clarity so that ordinary people who are reading it have a clear understanding.

Mr. Chair, LGBTQ community members and two-spirited individuals are ordinary people of our society. They have a right in this community, they have a right in Yukon, they have a right to be heard and they have a right to be represented, and I aim to do that here — to represent and bring a voice to those individuals.

Those are my comments. I strongly feel that we have a position to represent all Yukoners equally and wholly as individuals. Mr. Chair, if I could beg your indulgence, I want

to just introduce Rian Turner. She is the executive director of Pride 2017 — thank you for being here.

Applause

Hon. Ms. McPhee: Mr. Chair, I just have a few brief comments to make. I think the Minister of Health and Social Services briefly misspoke when she spoke about 84 percent of Yukoners, but I think the term she was looking for was 84 percent of respondents. In fact, that was the case: 272 out of 325 agreed with the proposed amendments to prohibit discrimination in the proposed legislation.

The only other two points that I would like to make this afternoon — at least at this point — are that, while I very much appreciate the comments from the member opposite, the Member for Lake Laberge, with respect to avoiding lengthy legal battles, I guess it's important to indicate that this is exactly what we're trying to do here. Lengthy legal battles should be avoided, and we have done so by trying to understand the laws that have developed across Canada and by adjusting our legislation accordingly.

The last point I would like to make with respect to the consultation — and several people have spoken about this already — is that this is an issue that was front and centre in the campaign last fall on behalf of the Liberal Party and Yukoners. We listened to thousands of people during our campaign — from all the folks who are sitting here, as well as other candidates during that period of time. We spoke to both supporters and non-supporters of these particular changes to legislation. We campaigned on making those changes. Yukoners voted a majority government; they were well aware.

In addition to that, the consultation did take place and there was an enormous amount of response.

Thank you very much, Mr. Chair. These changes to the law should be made and they should be made today.

Mr. Cathers: I'm going to not spend more time on this because the debate — my words are being deliberately misconstrued by members of this Assembly.

Some Hon. Member: (Inaudible)

Unparliamentary language

Chair: Ms. McPhee, on a point of order.

Hon. Ms. McPhee: I'm sorry to have to rise to do this, but there was no deliberate misconstruing of anything. On a point of order, that accusation is false. I'm not even really sure what the member is referring to. I was very careful to make sure that I am respectful of the words that he uses here, and I do so intentionally.

Chair's ruling

Chair: Mr. Cathers, I do find the point of order on "deliberately misconstrued". Please refrain from using that phrase.

Mr. Cathers: What I will just again note here for the record on this, for anyone listening and those in the gallery, is that my primary argument in this issue is the fact that if members, ministers and the Leader of the Third Party research

what has happened in other Canadian jurisdictions, the inclusion of language similar to this in other jurisdictions has not made everything easy for anyone. In fact, by not defining it, it has led to protracted legal disputes in front of human rights commissions.

My primary argument in this is that it should be the Legislative Assembly and legislators, not human rights commissions and courts, that are left to decide where a human rights law is clear, what public opinion is and where government believes the appropriate fair balance is when rights come into conflict.

I would note that I also think — I'm not going to demand a retraction, because I know I won't get it — but the Leader of the NDP — for her, in response to my illustration of specific concerns I have heard from Yukon citizens, to use the comparison of white supremacists to characterize these people's viewpoint is, I think, very offensive to those Yukoners. I would note that, in fact, every Yukoner, whether I agree with them or not, I believe has a right to their view.

For the minister to imply that people who have questions on the basis of things including their religious values, or who disagree with this — whether the member agrees with them or not, whether other members disagree with them or not, to compare those people to white supremacists is offensive.

Mr. Chair, I would just note that, in concluding my comments — I wasn't originally going to mention this, but I feel obliged to put it on the record for people who have expressed concern to me — there are people listening to this debate who are especially concerned by statements the Minister of Health and Social Services made during second reading on Bill No. 5, particularly when she referred to conflict with the criminal process. Whether the members choose to believe it or not, there are Yukoners who are genuinely concerned about what this means when it comes to their fundamental rights listed under the Charter, specifically freedom of conscience and religion, freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication, freedom of peaceful assembly and freedom of association. They believe, based on some of the statements they have heard from ministers, that those rights may be threatened as a result of this legislation. Whether or not ministers believe that is true, these people deserve an answer and deserve respectful facetime from government in having their concerns heard and having answers to their questions.

We're not going to reach anywhere close to an agreement on this legislation this afternoon, I'm sure. I want to again note for everyone listening that, as I stated in my opening remarks, I support the protection of the rights of all citizens, including Yukon citizens who self-identify as transgender or gender non-conforming. I believe that the parts in here of human rights legislation do reflect basically what the current common law interpretation is, as it pertains to the rights of persons who self-identify as transgender or gender non-conforming, two-spirit or gender-fluid. My biggest problem with this legislation is some of the specific wording of the *Vital Statistics Act*, and that while government has chosen to

make this change, they have chosen to use a model that I believe is different from any other jurisdiction in the country. What is disturbing with that is that 11 Yukoners have seen fit to make that decision on behalf of others.

The 329 responses apparently received — again, I looked at the “what we heard” document and it does not provide much in the way of details or illustrate those comments. I would note that while every one of those 329 people are valued and valuable members of Yukon society, that in fact, there are 38,000 Yukoners and 329 by my math works out to 0.008 percent of Yukoners who had an opportunity to comment on this major structural foundational change to identification.

With that, I have made the request to split the bill. The government has said “no”. We have engaged in dueling points of order. I don’t think we’re going to productively spend the House’s time in further debate here and I think the interest would be best served by moving on to debate on the budget in departments.

I would note as well with the response from the Minister of Health and Social Services about the caucus position, the Official Opposition will be having a free vote on this matter.

Chair: Is there any further general debate on the bill? Seeing none, we will proceed clause by clause.

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

Chair: Are there any questions or comments regarding the two forms that follow the final clause of the bill?

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Title

Title agreed to

Hon. Ms. Frost: I move that Bill No. 5, entitled *Act to Amend the Human Rights Act and the Vital Statistics Act (2017)*, be reported without amendment.

Chair: It has been moved by Ms. Frost that Bill No. 5, entitled *Act to Amend the Human Rights Act and the Vital Statistics Act (2017)*, be reported without amendment.

Motion agreed to

Chair: The matter now before the Committee is general debate on Vote 54, Department of Tourism and Culture, in Bill No. 201, entitled *First Appropriation Act, 2017-18*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 201: *First Appropriation Act, 2017-18* — continued

Chair: The matter before the Committee is general debate on Vote 54, Department of Tourism and Culture, in Bill No. 201, entitled *First Appropriation Act, 2017-18*.

Department of Tourism and Culture

Hon. Ms. Dendys: I would like to welcome our Deputy Minister of Tourism and Culture, Murray Arsenault, and our director of Finance, Beth Fricke to the House today. Thank you for coming and for supporting me in this delivery of our mains budget.

Mr. Chair, it is a pleasure to present the 2017-18 main estimates on behalf of the Department of Tourism and Culture and to outline the value of the department’s work to Yukoners.

The Department of Tourism and Culture strives to make Yukon the place the world wants to be. We support tourism, museums, historic sites, heritage resources, arts and archives. Our priorities are to protect and promote Yukon’s rich cultural heritage, its history and diverse forms of artistic expression, and to market and grow Yukon tourism. This is a large undertaking.

We are involved in a vast range of initiatives. Many are well-known and some might come as a surprise to Yukoners — programs and events you might not have realized are funded by our department.

These initiatives are supported seamlessly through the day-to-day work of the department, but their value should not be underestimated. Our budget is just over \$32 million. While this is one of the department’s smallest budgets, I would like to demonstrate today that the Department of Tourism and Culture plays a significant role in the territory and in the lives of Yukoners. This year, the department will directly fund local businesses and non-profit organizations through funding programs worth \$9 million.

We will present hundreds of awards to individual artists and non-governmental and First Nation organizations. The department will continue providing operational funding for 11 museums and seven First Nation cultural centres and the Yukon Historical and Museums Association.

Approximately 100 Yukon tourism businesses will leverage \$700,000 in funding from the tourism cooperative marketing fund. Tourism and culture sectors provide jobs for Yukoners. Tourism alone contributes 3,000 jobs and \$250 million annually in revenue for Yukon businesses. This accounts for four percent of Yukon's GDP. Over a quarter of Yukon businesses generate revenue from tourism. There are countless positive news stories coming from the Department of Tourism and Culture. The department's work has touched the lives of many, many Yukoners and quite literally millions of tourists over the years.

Our enduring priorities — the Department of Tourism and Culture enjoys many successes and plays a key role in supporting the government's enduring priorities. These are: a people-centred approach to wellness; healthy, vibrant and sustainable communities; government-to-government relationships with First Nations, fostering reconciliation; and diversifying and growing the economy. These are strong priorities, each with their own complexities. I would like to show you how we work to support each one of them.

I want to start with our people-centred approach to wellness. As Yukoners, we are proud of our strong identity. Our identity is built from a foundation of culture. Culture is part of everything that we do. I would like to share with you some of the department's major projects that highlight our culture for the 2017-18 fiscal year.

The Museums unit plays a key role in sharing our culture through its ongoing support of, and funding for, First Nation cultural centres. The department works in partnership with Yukon First Nations to advance their visions for the creation, development and operation of cultural centres. We will provide \$670,000 in operational funding for the seven First Nation cultural centres. This year, we will also support a new cultural centre.

The Carcross/Tagish learning centre is set to open less than two weeks from now. \$145,000 has been identified for operational and project funding for the cultural component of this facility after it is opened. It will help to realize a long-held goal for the Carcross/Tagish First Nation to have a central gathering space for community celebrations while also providing space for skills and career development. It will become an economic driver for the community and for the Yukon.

Collectively, these centres and our museums make a powerful statement in our communities, showing that Yukoners are proud of our history and diverse cultures, and that we want to share what makes us special with the rest of the world.

Our budget will provide more than \$2 million in funding for cultural centres, 11 museums and one umbrella organization — the Yukon Historical and Museums Association. Yukon government's investment in these

museums and cultural centres provide First Nations, municipalities and not-for-profits an opportunity to share ideas and information, celebrate diversity, and engage with fellow Yukoners and visitors. Our cultural sector contributes a great deal to our social wellness. Arts are an expression of our culture. We know that ongoing investment in the arts sector is critical to many Yukoners and many aspects of life in the territory.

When we invest in arts programs, we invest in people and their well-being. Yukon has a thriving arts community, and we are proud of our diverse forms of artistic expression in the territory. A key activity this fiscal year for the arts sector will be supporting the Yukon Arts Centre in hosting an arts summit to bring various members of the sector together from several jurisdictions. We are investing \$75,000 in this event. The summit will inspire northern artists and producers to forge and strengthen partnerships.

There are many organizations funded through the Department of Tourism and Culture. In fact, our arts and cultural funding supporting our programs account for \$4.5 million of our budget. We provide operational funding for the Dawson City Arts Society, the Yukon Arts Centre, the Old Fire Hall, and the Yukon First Nations Culture and Tourism Association — just to name a few.

We will provide \$345,000 in operational funding this year to support the carving program for at-risk youth through the Northern Cultural Expressions Society. We are supporting the artist in the school program with \$100,000 to help Yukon professionals provide art instruction to students in Yukon schools.

These are some of the highlights of our budget that help to preserve and share our culture. Mr. Chair, their contribution to the wellness of Yukoners is of great pride to me, as minister, and to the department. Wellness goes hand in hand with community sustainability.

The department is also pleased to invest in communities in several different ways. We operate six visitor information centres in communities across the territory. These not only contribute to the growing tourism and revenues to local businesses, but they also provide jobs across the Yukon. The Whitehorse, Watson Lake, Carcross, Haines Junction, Dawson City and Beaver Creek visitor centres employ the equivalent of 15 full-time staff members. This accounts for \$1.2 million in salaries and benefits. These positions contribute to the health and vibrancy of communities.

Another aspect of healthy, vibrant and sustainable communities is bringing people together to celebrate. We have done several tributes this week and through this session around cultural gatherings, and they are something that we all look forward to as Yukoners.

This year there are several big anniversaries and celebrations taking place throughout Yukon. Two significant anniversaries are the 150th anniversary of Confederation and the 75th anniversary of the completion of the Alaska Highway. The department is contributing \$250,000 in funding for community commemorations and celebrations across the

Yukon. In addition, Music Yukon is receiving \$50,000 for their Canada 150 signature event.

We invest in our communities by investing in Yukoners who travel and act as ambassadors. When we support Yukoners in showcasing their work all over the world, we support them in sharing Yukon's story and drawing people to our unique territory. This past year, our performing visual and literary artists toured their work across Canada, Europe, the UK, Japan, Australia and the United States. We anticipate many more opportunities for artists to continue showcasing their work all over the world.

This year we are pleased to provide \$50,000 to support Yukoners taking part in the National Arts Centre's Canada Scene. Canada Scene is a large, national arts festival taking place in Ottawa this summer. As part of Canada Scene, the Dakhká Khwáan Dancers are set to entertain crowds on Canada Day in Ottawa. Later that month, audiences will be able to take in a Yukon-style gathering, as 18 artists with Ramshackle Theatre present "Theatre in the Bush".

Yukon audiences and visitors love to gather and experience our many annual arts offerings. Just some of the groups that the department funds in this area are: Music Yukon Arts in the Park, the Kluane Mountain Bluegrass Festival, the Adáka Cultural Festival and Society, the Yukon Summer Music Camp, and the Keno City Music and Art Workshop, to name a few.

Another way the department contributes to the health, vibrancy and sustainability of our communities is through large capital projects such as the Yukon Archives vault expansion. This exciting project will allow the Archives to keep up with the demand of our ever-growing collection, as well as acquire and preserve even more important historical records. \$500,000 will be used this fiscal year to upgrade specialized cabinets and shelving to increase the capacity of storage of large and oversize archival records. This type of upgrade contributes to our understanding of our past and helps us feel connected and grounded in our communities. I encourage all members to visit the new vault when it opens toward the end of the summer. It is a wonderful resource and a really interesting place to explore.

Another project that we're proud of is the Klondike palaeontology field station. We are investing \$200,000 in this project to develop a plan for constructing a field station in Dawson City. This will provide palaeontological services closer to the fossil-rich Klondike gold fields. This fiscal year represents an important planning stage for the facility, which will contribute to Yukon's reputation as an abundant area for palaeontology.

Another Dawson-area project is the rehabilitation and maintenance of the Yukon sawmill site in Dawson City. This year we are investing \$150,000 in the project. This iconic building in the heart of Dawson is one of many that we recognize. A key priority this year is the installation of a fire protection system in order to protect this significant historical building and prepare for its occupancy. This will be a wonderful historic property that, when finished, will contribute to the heritage character of Dawson.

Here in Whitehorse, people will have seen the progress on the expansion of the MacBride Museum of Yukon History. This year we will be contributing the second half of our \$3-million commitment to this project, which provides the sharing of Yukon's history for residents and visitors to enjoy.

Right here in the main administration building, the arts section has worked to restore and repair major art assets, such as the stained-glass mural in the lobby. We will use \$75,000 to continue this type of important work and the acquisition of new work. These are some of the year's projects that are a little more visible in the communities because of their tangible nature.

Working government-to-government and fostering reconciliation with First Nations is an important priority. This is an area that is very close to my heart, and I firmly believe that we are better and have more positive days ahead of us where we can work together to foster reconciliation with our Yukon First Nations.

The government will work to uphold the spirit and intent of First Nation agreements. In the Historic Sites unit, this has led to the creation of the historic sites planner program, which comes directly from the *Umbrella Final Agreement*. We will use \$130,000 for ongoing operating funding for this program, which includes one full-time staff person to work with First Nations in the development of heritage management plans for historic sites and the associated program costs. One of the heritage management plans now currently underway is for the Conrad historic site, which will be co-owned and co-managed with Carcross/Tagish First Nation.

We're also using \$50,000 to support the research planning and development of heritage trails in Yukon. This program helps to preserve our history and promote culture and provide economic opportunities for local residents. Supporting economic growth in the territory is an important aspect of the department's work.

We cannot talk about the health and wellness of Yukon without talking about the social and economic benefits of tourism. Tourism is a vital component to a diverse economy and contributes significantly to our social and economic well-being. The Tourism branch operates visitor information services, supports tourism operators and markets Yukon as a year-round travel destination. There are several large projects in this area from this year's budget.

One that many will be familiar with is the Yukon Now marketing program. We're continuing the implementation of phase 2 of this multi-year program to increase awareness of Yukon as a year-round, unique travel destination. The project is funded jointly by the Yukon government at \$1.8 million and the Canadian Northern Economic Development Agency for a total of \$3.6 million over two years.

With our continued efforts to grow tourism, we want to be able to conduct a comprehensive visitor survey in order for tourism businesses to understand their clients better. This project will be funded with \$425,000 over two years and will help businesses serve the varied needs of their clients.

We are contributing \$150,000 toward a tourism development strategy to support the tourism sector. It will

include funding for a project manager and the establishment of a multi-year tourism strategy to support the important sector.

As I mentioned earlier, the department also directly funds approximately —

Chair: Order, please. Thank you.

Ms. Van Bibber: Did you have much more to go?

Some Hon. Member: (Inaudible)

Ms. Van Bibber: I will let you finish the one page.

Hon. Ms. Dendys: As I mentioned earlier, the department also directly funds approximately 100 tourism businesses through the successful tourism cooperative marketing fund. This \$700,000 program provides funding to Yukon's tourism industry to attract visitors, gain international exposure and strengthen the territory's tourism brand.

Whether we talk about Yukon businesses accessing tourism funding, a local Yukon artist seeking support to travel to showcase their work, or an historic property in need of TLC, the work of the Department of Tourism and Culture touches all aspects of life in Yukon.

Our work is vital to the wellness of Yukoners, the sustainability of our communities, the strengthening of our government-to-government relationships and reconciliation with Yukon First Nations. It is a key component of growing and diversifying our economy.

Mr. Chair, those are some of the highlights of our budget. What I hope I have left members with this afternoon is not simply the numbers attached to the projects, but the sense of how deep the department work runs. The 155 full-time, part-time and seasonal employees of Tourism and Culture care deeply about their work. Every day, they work behind the scenes to protect and promote Yukon's rich culture, our heritage, our history, our diverse forms of artistic expression and help to market and grow Yukon tourism. This is important work. This budget supports that work. I believe Yukon is the place the world wants to be, and I'm absolutely proud to have been able to present some of the highlights to you today. I hope I have passed on a renewed sense of the importance of the Department of Tourism and Culture in Yukon.

Thank you, Mr. Chair, and I thank everyone in the department for their hard work and their professionalism. It's truly an honour to represent this area of our government.

Ms. Van Bibber: Thank you, Minister of Tourism and Culture, and welcome to the staff — the deputy minister — for attending today.

I have always had my heart in tourism, as you know. I grew up in the territory where tourism started in its infancy, and I have seen the starts and starts and stops and different things that have happened through the decades.

As I said in the tribute to National Tourism Week, I and my family were also owner-operators of a tourism business in central Yukon. I have since been away from the front lines for quite a few years, but I am still very aware of the trends and I do follow what is happening to our tourism industry. I seem to have a passion to care about the people who come to our territory as visitors and hope they're having a great experience.

It's also, as you said, a small budget, but a huge impact on many people. It's extremely important to our economy and businesses large and small. We do spend quite a lot of money on marketing, but our small budget doesn't cut it for what we need to do, does it? But we have done a wonderful job, I think.

The budget under O&M states that there are several blocks of money for the 150th celebration. You have explained the \$100,000 for the signature events. The \$200,000 for the community events — now that we're halfway through the year of 2017 what is being done with that money? Has it been divvied out or is there still an opportunity to access the \$200,000 for a community event?

Hon. Ms. Dendys: Thank you very much for that question. I just want to make sure that I get the exact amounts. We have allocated, as I have stated, \$200,000 to Canada's 150th community events. We have also allocated \$50,000 for the Alaska Highway 75th celebration. These funds are being — as I said in Question Period — administered through the Culture Quest program and the idea is to do direct reach-out to the communities so that the communities have equal access. The funds are somewhat working together because we have a number of communities along the Alaska Highway that will have access to that \$50,000. I believe that there are seven communities that would have access to that. We have done direct reach-out to those communities.

We are partnering with the City of Whitehorse. We have allocated \$50,000 to the Canada Day celebrations. We will be working in partnership with the City of Whitehorse and with Canada on that event within the City of Whitehorse. We're not telling communities how they are to spend their money, but I know that the reach-out has been made to all of our communities and if they wish to access the funding for Canada Day, that is made available to them. It is really up to the communities in terms of how they want to celebrate.

We know that there is a lot of sensitivity and our hope is that our municipal governments and First Nation governments will work together, but there is some sensitivity around both of these anniversaries for Yukon First Nation people and First Nation people across Canada. That is why we did not want to be prescriptive around how people celebrate because they may decide to do something that maybe no other jurisdiction is doing because of the sensitivity around these two anniversaries.

I hope that answers your question.

Ms. Van Bibber: Can the minister then tell us — I see the breakout for the \$50,000 City of Whitehorse. You have left it to direct reach-outs to the other communities. Is this just geared for July 1, or is it for the remainder of the year? Has any other community reached out, other than the Alaska Highway?

Hon. Ms. Dendys: Yes. It is done through direct reach-out, and we're not prescribing when the money is to be used. If a community decides to celebrate Canada's 150th outside of July 1, that's up to them.

We did our best to try to find a way for our communities to have access to some funding. I know that there are many

other departments that are contributing through other funding sources to Canada's 150th through partnership and sharing agreements throughout government. That's another piece of information that potentially we could track down in terms of what other departments are doing in terms of contributing to these important anniversaries.

I know we're working closely with the Department of Highways and Public Works on the partnership around the Soldier's Summit event. It's up to \$10,000 per community. So far we have Dawson, Mayo, Watson Lake, Teslin, Beaver Creek, Burwash and Destruction Bay that are accessing funds. We'll continue to do that reach-out with our communities.

Ms. Van Bibber: You had also mentioned there was \$50,000 allotted for seven communities along the Alaska Highway for the 75th anniversary. As we all know, 75 years, 1942, built by the American soldiers — it is our main highway in and out of the territory and our main tourist roadway as well. As the highway does come through northern BC and then on through Alaska to Fairbanks, I'm hoping there are initiatives that are jointly planned with the other two jurisdictions, BC and Alaska.

Are we doing our share and are we working closely with these other regions to ensure the 75th anniversary of the highway is well-documented from start to finish?

Hon. Ms. Dendys: It is my understanding that each region is doing their own celebration. Maybe not everyone knows, but in Alaska there are tremendous cuts to their tourism and marketing funding due to their own budgeting, so there is a huge reduction in what they're doing. The Department of Tourism has been following the State of Alaska in terms of their operating budget and the issue and the impact on the state's tourism marketing budget. This budget reduction has had a major impact on all Alaska marketing programs, including the two long-standing cooperative marketing programs that Yukon has partnered with Alaska on since 1989 — joint Yukon-Alaska tourism northern programs.

There are some real limitations for Alaska right now in terms of accessing funding for this type of work. Our officials will be meeting with their officials later in the fall to have further discussions. We also sent this information with our Premier on his recent trip to Washington, when he was with the leaders from Alaska. We are certainly sharing information on the projects with BC and Alaska. Again, we are focusing within Yukon in terms of some contribution around local celebrations and we are partnering with Parks. Our main event will be around the Soldier's Summit event on June 29, so we are collaborating with Parks Canada and Kluane First Nation on this event.

Ms. Van Bibber: Again, we are halfway through the year, and I understand the event coming up on June 29 will be a big one, but it would be good to know that we're also a solid partner with the other jurisdictions because the highway does start in Dawson Creek and runs right through.

I am just wondering, what then are we doing in Yukon besides allocating possible funds to the seven places along the highway? Are we putting up extra banners or signage or

sprucing up areas to let the traveling public know that there is actually a 75th celebration going on?

Hon. Ms. Dendys: We've had some discussion in the House this week around banners. What we did with the banners this year is we themed them. Without being too prescriptive for our artists, we opened up to our Yukon artists to bid for consideration to be selected for their artwork to be featured on banners. Part of one of the requirements was to be themed around these two anniversaries. These banners will be up in Yukon over the next couple of years, so we wanted them to be reflective of Canada's 150th and the Alaska Highway anniversaries, but we also wanted them to last for a couple of years so that they weren't specifically with that logo 150, but the artwork really resembles what it means in Yukon and reflects, from an artist's perspective, Yukon's unique role in Canada — what our unique role in Canada has been.

Our Historic Sites unit is refurbishing all of the historic signage throughout on the Alaska Highway — all the mileposts. They've been working on that for some time.

The other thing is that our visitor centres are well-versed on what is happening in Yukon. We have also websites that have — the travelyukon.com website has all the information about everything that is happening throughout Yukon and most people are getting their information from those sources. Again, our visitor information centres are very interactive with our tourists and are advising them about different various events that are happening in each area and each jurisdiction throughout Yukon.

Ms. Van Bibber: As rural Yukon is so widespread and each has unique things to offer visitors, Watson Lake makes their hometown attractive and pleasing. Ensuring their reception centre is visible and accessible would do wonders.

On our southern border, Watson Lake is our gateway to the Yukon and it's the introduction of visitors to the Yukon from that Alaska Highway. I know that when we road travel, we always stop at the visitor reception centre where we are, and it has been agreed that the current facility is in need of replacement.

Can the minister tell the people of Watson Lake a timeline — when, in the government's five-year capital plan, this tourism centre is set for replacement?

Hon. Ms. Dendys: Yes, I agree. Watson Lake is a gateway to the Yukon. We know that, and I know that we need to spend a lot more time and attention in Watson Lake. I intend to do that.

The Watson Lake Visitor Information Centre is — and I have written this to the MLA for Watson Lake — has definitely come to the end of its useful life. We know that, and it has been that way for quite some time. That is something that, coming into the position, was one of my early briefings. It is certainly in need of repair and upgrade — or not repair. It is in need of replacement.

Right now we are in the process of reviewing and developing — we're doing a whole review, and then we'll be moving into planning for the new Watson Lake Visitor Information Centre. This will require community consultation and the commission of a business plan. When this work is

completed, I will bring it back to discuss and see if we can accommodate this within our five-year plan. I don't have an exact date. The work is going to be starting for sure. There has been some consultation prior to me coming into this position, but there still is a whole process that needs to be followed to build a business case for that.

Ms. Van Bibber: I heard a comment recently: "If you haven't visited Dawson City, you've not been to the Yukon." Being a born Dawsonite, I love my hometown, but I'm sure there are other jurisdictions in the territory who wouldn't agree with this statement. I even know a few Yukoners who haven't even been to Dawson City.

Parks Canada, as we know, already has a huge stake in the Klondike, and it provides more funding to their historic sites than many other regions of Yukon — Palace Grand, *SS Keno*, the Commissioner's residence, and on and on.

Can the Minister of Tourism agree and state that there will be support for industry participation and funds spread adequately around the territory and not just one part of our amazing territory — Dawson City?

Hon. Ms. Dendys: Yes. I have been to Dawson already several times since I have taken on the role. Dawson has such a rich heritage for the Yukon. The Yukon government is committed to seeing our tourism sector grow for the whole Yukon and reach its full potential.

I spoke about this in my opening comments. We are moving toward the development of a multi-year tourism strategy that will include all of Yukon. It will include all of our stakeholders and will consider all of the needs. Our intent is to build a Yukon vision that all communities can see themselves in, that all Yukoners can see themselves in, and that all businesses and future businesses can see themselves in. There is a lot of opportunity and potential. I have spoken about that already in my opening comments.

It's an exciting time in tourism in Canada right now with a number of strategies that are being developed and released throughout Canada. Canada just released their tourism vision. We also have the Aboriginal Tourism Association of Canada release theirs. There are a number of other jurisdictions through other areas within Canada. We are coming on at a really great time in terms of this development.

The last consultation on tourism in Yukon was done in 2000 — so it's 17 years. Some of it is really relevant today in terms of some of the principles behind it, but this new strategy will really help to guide our development of tourism in Yukon and ensure we have a vision that really reflects what the whole of Yukon wants.

I have had a lot of discussion with other areas within Yukon, with First Nation governments and with some municipal governments, and we intend to bring them all together to talk about what they want in their vision and how do we really take advantage of where we're at in the Yukon today, in terms of Canada overall, to benefit fully from what's happening in tourism throughout the world and how Canada fits into that, how the Yukon fits into that, and how Klune, Klondike and Watson Lake fit into it.

We have a lot. Every part of the Yukon is diverse and has unique aspects. We're supporting the establishment of new heritage sites. There are so many things happening that tie into that overall strategy.

Thank you for the question.

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: Committee of the Whole will now come to order. The matter before the Committee is general debate on Vote 54, Department of Tourism and Culture, in Bill No. 201, entitled *First Appropriation Act, 2017-18*.

Ms. Van Bibber: We left off with the tourism strategy and my next question just happened to be on that.

There is \$150,000 allotted for the tourism strategy — with measurable results, it says. Now, we Canadians love studies and then we love studying the study. Can the minister tell us the criteria to achieve these measurable results? What is the desired result that you are looking for? Who will the information help? Will it be geared for department use only, or is it for operators or the travel trade?

Hon. Ms. Dendys: Do you want the information about the strategy specifically?

Some Hon. Member: (Inaudible)

Hon. Ms. Dendys: Again, Yukon government is very committed to seeing our growing tourism sector reach its full potential. That's our goal. Today, tourism provides Yukon with sustainable diverse growth that balances the economic development and environmental and community values. Our role is to provide leadership and direction that stimulates and adds value to the efforts of private and public sector initiatives.

The development of this multi-year, results-driven tourism development strategy in consultation with stakeholders will be for all Yukoners. It must be, because that's our role — in terms of tourism, to market Yukon — and really that's driven by the industry and by the others. There is so much potential for growth in tourism that we expect more products to be developed within Yukon to meet the new demand because there will be a greater demand for more product.

That is something that we're hearing across Canada. The strategy will focus on revenue and visitation targets that we agree upon with our stakeholders. So we will do very in-depth stakeholder engagement on this so that we ensure we get the right scope as well and that expectations are met. So it's not just about Government of Yukon; it's about all tourism for Yukon, so that is really where we're going with it. It includes industry, businesses, non-governmental organizations, other government departments, First Nations, municipal governments and the public. We intend to talk to everyone who wants to talk to us about this and really develop a strategy that everyone can see themselves in.

Ms. Van Bibber: There has been \$500,000 set up for digital development tools to engage a global audience. This is for the development and maintenance of the travel yukon.com website. The upkeep of this digital piece will be an ongoing expense as everyone would know — and the updates.

Has a future plan for upkeep being taken into account over and above the \$500,000? Or, is this going to be an annual allotment of money?

Hon. Ms. Dendys: The capital investments for the website include ongoing development enhancements and upgrading of the content management system to support improvements to existing site functionality and the development of the functionality required to incorporate new online technologies and consumer expectations.

We have an ongoing maintenance cost of \$250,000, so we have allocated \$250,000 this year for the redevelopment and another \$250,000 will be allocated next year for the further development. The ongoing cost — which it always has been — is \$250,000, so that will continue beyond and it is in our financial framework.

Ms. Van Bibber: In the budget, it states there's \$200,000 for a visitor survey. I understand it's over two years. I think Ms. Dendys stated in her opening remarks something about \$425,000, so I was curious about the amount on that line item for the visitor survey.

Hon. Ms. Dendys: Maybe I'll just talk a little bit about the visitor survey itself. Tourism is a very complex sector that is constantly changing to meet the needs of today's visitors. In order for Yukon's tourism industry to capitalize on opportunities and meet the expectations of visitors, it's really important that we as government work collaboratively with stakeholders to collect and assess and share insights to help private and public sectors make informed investment decisions.

The Department of Tourism and Culture visitor survey assesses visitor and trip characteristics, spending and travel patterns and is used to inform tourism development and marketing decisions made by the department and Yukon's tourism sector. The last visitor survey for Yukon was conducted in 2012-13. The department is currently working with the Yukon Bureau of Statistics to plan, develop and implement the 2017-18 visitor survey.

During the fall of 2016, the department conducted the review and recommendations for an enhanced tourism metrics project, and will incorporate best practices and stakeholders' perspectives identified through that project to inform and improve the 2017-18 Yukon visitor survey. It's really great timing that we're doing this in terms of the development of our new strategy. We'll actually have a good base point as we go forward on the strategy.

This year, in total, we have allocated \$200,000 to Yukon Bureau of Statistics for year one of two to conduct visitor surveys in Yukon communities and in Whitehorse. The other \$225,000 will come next year as part of our financial framework.

Ms. Van Bibber: There is a group called Friends of the Yukon Archives that originally received \$9,000. In this

budget, it has been allocated \$4,000. There is a new group called the Yukon Council of Archives, which was allocated \$5,000. Why was there a split, what is this new initiative and what is the purpose of the Yukon Council of Archives as opposed to Friends of the Yukon Archives?

Hon. Ms. Dendys: The Yukon Council of Archives represents all of the archives in the Yukon, including First Nation and small museum archives. So there is another entity that is specific to the Yukon Archives.

I have met with the Yukon Council of Archives and they shared their strategic plan with me — where they want to go with archives in the Yukon. It's a collaborative type of group. We made commitments around working with Yukon First Nations and around archives, and we're really looking to some enhancements around this area, for sure. We are going to continue to meet with our stakeholders around this whole area and have further discussions. We will potentially be working towards some further funding enhancements there.

Ms. Van Bibber: The Yukon sawmill that was allocated \$150,000 — I have to admit, I thought Tourism and Culture was getting into the sawmill business. That old building in Dawson is certainly worth saving, and you did answer the question during your preamble.

Now, moving on to the Klondike palaeontological facility — \$200,000 for planning to build the facility. When is the government intending to build it, where will it be built, and when do they expect the planning phase to be completed?

Hon. Ms. Dendys: Yukon — again, I'm going to just give a little context around this palaeontology facility and what the significance is of it.

Yukon is Canada's most important, and one of the world's most significant, sources of ice-age fossils. Yukon's fossils tell us about the past life and environment and are an important part of our heritage.

The Yukon palaeontology program operates a field program to visit fossil sites, conduct research and collect fossils during the summer months. A field office is present right now in the Dawson City area to provide close access of fossil sites in the Klondike goldfields for resource management and research. Yukon government is working collaboratively with the placer mining community and Tr'ondëk Hwëch'in to ensure continued stewardship of the Yukon's rich ancient heritage uncovered in the mining process. The Yukon palaeontology program collects over 3,000 new fossils each year from the goldfields.

Permafrost also provides a natural deepfreeze that preserves soft tissue remains of extinct ice-age mammals. These specimens are important for reconstructing aspects of Yukon's ancient environments and the geologic history and are actively studied by international scientific collaborators. We have a lot of people who travel here to specifically study these fossils. They are found nowhere else. In 2016, the program collected a 90,000-year-old mummified carcass of an ice-age caribou calf and a mummified carcass of a wolf pup, which is at least 50,000 years old. Both are of international significance.

Development of a Yukon fossil collection has been made possible with the generous support from, and collaboration with, Yukon First Nations, Yukon placer miners, industry and numerous research institutions.

Construction of a palaeontology field station is a long-term goal for the community of Dawson and for the Klondike Placer Miners' Association. It will provide a venue to celebrate and interpret the international significance of the ice-age fossils found in the region.

The Klondike and Old Crow Basin regions of the territory are recognized for their rich and internationally significant deposits for ice-age fossils, which are preserved in permafrost and are often discovered when placer operations expose the permafrost layer.

This year Yukon government is investing \$200,000 in the project to develop a plan for constructing a field station in Dawson. The plan will help determine how to best give Yukoners and visitors opportunities to view the many discoveries made over the years in the fossil-rich Klondike goldfields.

Planning and development for the facility will create opportunities to enhance existing and collaborative relationships with the Tr'ondëk Hwëch'in, the KPMA and other community stakeholders who share an interest in the protection and research of the palaeontology and archeology in the Klondike.

Again, this goes back to my earlier comments around our commitment to work with our First Nations and protect the heritage and the richness that is found only within the Yukon. This is a very unique aspect.

It is really at the planning stages right now and we can't, of course, pre-approve any outcomes. Right now we're at a planning stage, that's what we're investing in, and we'll see where we go with it.

From being in the Legislative Assembly, there are a lot of needs throughout the Yukon. We have a process within Cabinet and Management Board to assess and determine what the highest priorities are, so we will do the groundwork for this. We'll work with the community advisory group to determine what is in the best interest of the community.

Ms. Van Bibber: The Yukon gold explorers passport program to encourage people to visit certain sites and communities and get the stamps has been around for many years. I see there are 18,000 printed, 18,000 distributed, but only 3,000 participate. This has proven consistent with the numbers shown. Is this a valuable use of funds, and should this program be re-jigged or should something else be put in its place?

It also says you can win genuine Klondike gold. Can the minister elaborate on how much gold, because I might go out and get a passport before it's over.

Hon. Ms. Dendys: Again, being new to the portfolio, when I went through my briefings and met with many of our stakeholders — museums, some of those areas that are featured within the passport — they indicated to me that this was one of their most important and really successful initiatives.

So yes, we have 18,000 that are printed and distributed. What we find is that a lot of people actually keep them as souvenirs. In terms of reviewing, we're really committed to evidence-based decision-making. This may be one of the areas that we review. I think that, just in my short time — and I didn't want to make any changes to things that people really see as successful with our stakeholders.

What we could do is get back to you with more solid numbers and give you a bit more information about that. Over the weekend in Haines Junction, I met up with a number of tourists. They immediately pulled out their passport when I introduced myself as the Minister of Tourism and Culture. They were like, oh, this is such a fantastic initiative and I wish they had it in more regions.

It really helps to get our tourists exploring, whether they submit them back or not. It's relatively economical — it doesn't cost a lot of money, so it's not a huge investment for the government to continue this. Again, we're reviewing different areas within the department, as we are across the board, just to make sure that everything is relevant and still meeting the need.

In terms of the prizes, there are four half-ounce prizes, one one-ounce prize and one two-ounce prize — and that's real Yukon gold. Members of the Legislative Assembly wouldn't be eligible to do that, but you have to go to so many places to get your name in for different levels of the prize. I like it — I really do think this is a great initiative for Yukon. We will look at it and make sure it's still relevant.

Ms. Van Bibber: It was more fun. I was asking about the prize.

That leads into exploring the Yukon and the scenic drives. I noticed in the latest traveller guide — the travel planner — they are called Iconic Drives now. What is involved in advertising your scenic drives? Is it just signage or advertising of some sort within the department? Iconic Drives — I am just questioning how that works.

Hon. Ms. Dendys: There are a couple of things. Iconic Drives is actually one of our marketing themes. We recently had a campaign called Explore Your Yukon campaign. This was initiated in 2015. Explore Your Yukon is a campaign that promotes Yukon to Yukon residents. The campaign runs prior to the busy summer months.

The intent of the campaign is to create ambassadors of Yukon travel experiences by encouraging people to explore, experience and share the great things to see and to do around the territory with their friends, family and potential visitors. The campaign targets Yukoners; however, we also want to reach early-season visitors and consider them honorary Yukoners for the duration of the campaign. The attractions include the museums, cultural centres, art galleries, historic sites and parks.

The tourism businesses across the territory are invited to participate by offering an incentive of their choice during the Explore Your Yukon campaign. The incentive is intended to lure Yukoners and early-season visitors. Participating organizations register online to be showcased in all campaign materials.

That's that campaign. There are two things that we are talking about there — that this is a specific Yukon-based campaign, and then we also have a Yukon Now marketing program. Iconic Drives is one of the six themes in the Yukon Now marketing campaign.

In January 2017, Government of Yukon — I spoke about this actually in my opening comments. I don't need to go over it again. This is the \$3.6 million and we're currently in phase 2 of that. I know there was a motion put forward by the Member for Kluane today regarding further commercial development. Right now we're in the second phase of that Yukon Now program, which is, over two years, to continue the promotion of Yukon as a year-round tourism destination.

Yukon government has — again, I don't need to go into the numbers, but the key focus of the program is to raise awareness of Yukon as a travel destination for Canadians through the airing of our four summer and two winter commercials and implementation of our award-winning digital storytelling initiatives.

That was mentioned in the commercials — Iconic Drives was one of the themes. That may be where we're hearing it.

Ms. Van Bibber: Under arts development, there is something called a craft strategy — another strategy. Can the minister tell us what a craft strategy is, what it will accomplish and who will benefit from it?

Hon. Ms. Dendys: This program — what you are referring to as the craft strategy — is now called Culture Quest. It is administered under the Yukon Arts Centre to plan, develop and promote an array of activities that develop talent and create work that showcases Yukon culture.

This allocation for the foundational part of the program is \$157,000, and that is the program we're working with in terms of administering the funds for the two anniversaries that we talked about, the Canada 150 and the 75th anniversary. We needed to have a program, rather than creating a new program, to work with, so we have used that particular fund to administer those two funds.

Ms. Van Bibber: It also states that tracking visitors at VRCs is now being done by electronic door counters that give an estimate and we will not be able to compare numbers for a few years.

Previously, numbers were gathered by signatures in guest books. Why was this change initiated and does the department think the numbers will be more accurate? Is this method used at every centre in the Yukon?

Hon. Ms. Dendys: This is a method that will be used for all the tourism centres. The belief is that this will be more accurate and consistent and reflect the total visitation. It also helps to have the staff within the visitor centres work with the tourist or visitor, focusing on making sure they sign that guest book, because not everyone does. It will be used and it is being used now.

Ms. Van Bibber: One of the department's strategic goals is entitled "enhance the capacity of Yukon's tourism industry, arts, culture and heritage sectors to improve Yukoners' quality of life." In the department's strategic plan, it indicates that it measures performance in this respect by

tracking the following: the amount of funding provided to stakeholders and applicants, the percentage of requested funding supported, and the number of stakeholder partnerships.

Would the minister be able to provide the most recent statistics on all these performance indicators?

Hon. Ms. Dendys: Is that in reference to tourism, heritage and culture — or which aspect?

Ms. Van Bibber: Strategic goals, which states, "... enhance the capacity..."

INTRODUCTION OF VISITORS

Ms. Hanson: While we're waiting, I would like the members of the Legislative Assembly to join me in welcoming Samantha Ponting. She's a regular visitor to the Yukon — apt that we're talking about tourism — and she's also the constituency assistant to BC MLA Melanie Mark, one of the first aboriginal women to be elected as an MLA in British Columbia.

Applause

Hon. Ms. Dendys: Welcome. I think that what we'll do is get back to you on those numbers. I have some that I could share, but I want to make sure that I get it right, so I will get back to you with that information.

Ms. Van Bibber: Seeing the time, Mr. Chair, I move that you report progress.

Chair: It has been moved by Ms. Van Bibber that the Chair report progress.

Motion agreed to

Hon. Ms. McPhee: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Ms. McPhee that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Mr. Hutton: Mr. Speaker, Committee of the Whole has considered Bill No. 5, entitled *Act to Amend the Human Rights Act and the Vital Statistics Act (2017)*, and directed me to report the bill without amendment.

Mr. Speaker, Committee of the Whole has also considered Bill No. 201, entitled *First Appropriation Act, 2017-18*, and directed me to report progress.

Speaker: You have heard the report from the Chair of Committee of the Whole. Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. Ms. McPhee: I move that the House do now adjourn.

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

Motion agreed to

Speaker: This House now stands adjourned until 1:00 p.m. Monday. Have a good weekend.

The House adjourned at 5:26 p.m.

The following documents were filed June 8, 2017:

34-2-13

Environmental impacts of Lodgepole Lane property, letter re (dated June 7, 2017) from Hon. Pauline Frost, Minister of Environment to Geraldine Van Bibber, Member for Porter Creek North (Frost)

34-2-14

Environmental impacts of Lodgepole Lane property, letter re (dated April 13, 2017) from Geraldine Van Bibber, Member for Porter Creek North to Hon. Pauline Frost, Minister of Environment (Van Bibber)