



Yukon Legislative Assembly

Number 18

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34th Legislature

HANSARD

Tuesday, November 5, 2019 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2019 Fall 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

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| 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

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| Ted Adel | Copperbelt North |
| Paolo Gallina | Porter Creek Centre |
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OFFICIAL OPPOSITION

Yukon Party

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

THIRD PARTY

New Democratic Party

| | |
|-------------------|--|
| Kate White | Leader of the Third Party Third Party House Leader Takhini-Kopper King |
| Liz Hanson | Whitehorse Centre |

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Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, November 5, 2019 — 1:00 p.m.

Speaker: I will now call the House to order. At this time, we will proceed with prayers.

Prayers

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Mostyn: I would like my colleagues to join me in welcoming to the House this afternoon: Corporal Natasha Dunmall, the RCMP's NCOIC of traffic; Constable Louis Allain; and Constable Mike Hartwig. I would also like to welcome, from MADD, Carlos Sanchez, Cory McEachern, and Jacquelyn Van Marck. Thank you very much.

Applause

Ms. White: I ask my colleagues to join me in welcoming today three advocates and champions for type 1 diabetes in the territory. We have Jill Nash, Marney Paradis, and Kevin Jack. Thank you for joining us today.

Applause

Hon. Ms. Dendys: I would like my colleagues to help me welcome some guests to the Legislative Assembly today: Samantha Hand, executive director of Skills Canada Yukon; Sarah Tomlin, program coordinator for Skills Canada Yukon; and Gerry Quarton, president of Skills Canada Yukon. Thank you so much for coming.

Applause

Hon. Mr. Streicker: Today I have the pleasure of getting to table the Yukon Lottery Commission's annual report, and there are three guests in the Legislature. Please welcome Frank Curlew, who is the chair of the Yukon Lottery Commission; Bunne Palamar, who is the vice-chair of the Yukon Lottery Commission; and Colleen Parker, the general manager of the Yukon Lottery Commission.

Applause

Speaker: Are there any further introductions of visitors? Tributes.

TRIBUTES

In recognition of MADD Canada's Project Red Ribbon campaign

Hon. Mr. Mostyn: I am pleased to rise in the House today to acknowledge an organization that works tirelessly to eliminate impaired driving. Mothers Against Drunk Driving is a household name that Canadians recognize as leading the way to bring public awareness and education programs to stop

impaired driving, with its stated purpose: to stop impaired driving and to support victims of this violent crime.

Since 2014, the rates of impaired driving in the territory have risen to more than five times the national rate. In 2016, there were 328 *Criminal Code* violations for impaired driving in the Yukon. In 2017, that number shot up to 484. Last year, that number increased again to 540.

These statistics should stop us cold. In fact, they are a call to action. We have a lot of work to do. People must remember that impaired driving is a fully preventable crime and every life that is lost or changed by impaired driving affects all of us. Highways and Public Works continues to work with MADD, the RCMP, the Yukon Liquor Corporation, and other stakeholders within the territory and across the country to reduce the number of impaired drivers on our roads. Road safety is everyone's business and everyone's responsibility.

We continue to work to decrease the number of impaired drivers on our roads through enforcement, technology, education, and awareness. It is an important reason why this government has undertaken to rewrite our outdated and convoluted *Motor Vehicles Act*. That work will clarify the law, improve prosecutions, and raise fines.

On behalf of Highways and Public Works and all of Yukon government, I would like to extend our gratitude toward our local MADD chapter and the RCMP M Division. We are honoured by your presence here today in the Legislature. Your dedication and hard work are helping to save lives and we are grateful for your efforts. We look forward to continuing our collective efforts to prevent impaired driving and to remind Yukoners to make smart choices.

It is also important to acknowledge the thousands of volunteers who have worked for MADD over the years for their dedication and commitment to making every one of us realize that driving while impaired kills and injures people and is a criminal offence.

We have to remember that this senseless crime is 100 percent preventable. The key to road safety is planning ahead — take a cab, be a designated driver, or call a safe ride. We all have the choice and responsibility to be smart.

November 7 marks the start of the Project Red Ribbon campaign, an initiative by MADD to remind us of the role we all play in the prevention of drinking and driving while impaired. According to MADD, this campaign helps to keep the sober driving message top of mind during the busy holiday season. With parties and celebrations plentiful, the risk for impaired driving is especially high. Impaired driving includes those who are impaired by drugs, distraction, and fatigue.

We all play a part in preventing drinking and driving, and I encourage everyone to wear a red ribbon or to place a red decal on their vehicle to demonstrate their support for sober driving.

Applause

Mr. Hassard: I rise on behalf of the Yukon Party opposition to pay tribute to Mothers Against Drunk Driving and our local Whitehorse chapter. Project Red Ribbon takes place across Canada annually, spanning the holiday season in an

effort to reduce impaired driving by promoting awareness and encouraging safe and sober driving practices. Each year, MADD volunteers and organizers team up with the RCMP to hand out red ribbons to tie to their vehicles in order to display their pledge to drive sober. Every time we get behind a wheel, we have a duty to drive safely and responsibly, and I encourage all Yukoners to make the pledge for safety and to tie on a ribbon.

Winter has arrived, and we are nearing the holiday season. As festivities and events kick off throughout the territory, it is important to remind Yukoners to think before they drive and to make responsible decisions around getting home safely. Let's keep our highways and roadways safe and help to ensure that everyone on the road makes it home.

Thank you to the Whitehorse chapter of MADD Canada, to the RCMP, and to all Yukoners who are willing to pledge their role in highway safety this year.

Applause

Ms. White: I stand on behalf of the Yukon NDP caucus to recognize and celebrate the important work done by Mothers Against Drunk Driving and the Red Ribbon campaign.

For more than 30 years, MADD chapters across the country have been raising awareness about the risks and the consequences of impaired driving through community initiatives and government lobbying. Our own Yukon chapter joined the national ranks in 2003 for the promotion of safe, sober, and responsible holiday driving.

While improvements have been made in the last three decades to reduce drinking and driving, it continues to be a deadly problem on Canadian roads. Up to four Canadians are killed daily in alcohol- and/or drug-related motor vehicle crashes, and hundreds more are injured. Approximately 65,000 Canadians are impacted by impaired drivers annually. We in Yukon are deeply affected by these numbers, as each of us has felt the sting of loss due to alcohol- or drug-related motor vehicle accidents in our communities. The hard truth is that any death or injury that occurs from one of these incidents of impaired driving is preventable; it is not an accident.

If you have concerns about a driver on the road or a driver about to be on the road, please call the RCMP to report it. The RCMP can't be everywhere at all times, but with help from the public, they can get more impaired drivers off the roads.

The efforts of MADD are vital to keeping the message of sober driving top of mind during the holiday season, but that responsibility can't rest solely on them. I have said it before and I will say it again: MADD alone cannot be solely responsible for reducing the numbers of impaired drivers. It is governments that make the laws and penalties that can help to reduce the numbers of accidents and deaths due to impaired driving. MADD reviews legislation about impaired driving and produces a report card on each jurisdiction.

Historically, the Yukon hasn't fared well in these assessments; as a matter of fact, we've done so poorly and have made such little progress in our battle against drinking and driving that since 2009 we haven't been included in these cross-country reports. My hope is that, with renewed effort to address

the harms of drinking and driving as a government, we will once again be relevant enough to be included in these report cards in a positive fashion as we continue to work with MADD to eliminate impaired driving altogether.

Mr. Speaker, this holiday season and each and every day, we ask people to please plan a sober ride home.

Applause

In recognition of Skilled Trades and Technology Week

Hon. Ms. Dendys: It is absolutely my pleasure to rise today on behalf of our Yukon Liberal government to pay tribute in recognition of National Skilled Trades and Technology Week for 2019 which takes place this year from November 3 to 9.

This event is organized by Skills Canada, but it comes to life through the work and dedication of many Yukon people and organizations. This week's activities and events take place with the goal of raising awareness for parents, youth, and the public around a range of skills, trades, and technology careers and the critical role they play in Canadian economy and society.

This year's theme is "Document Use". The essential skill includes the ability to create and understand documents, including charts, graphs, pay stubs, gauges, blueprints, and schematic drawings. During this week, Yukon youth will engage in projects and experiences involving skilled trades and technology and fostering conversations between industries, teachers, and students. They will learn about the many benefits of a career in a skilled trade and how personally and financially rewarding this career can be. I can certainly attest to this; I have many tradespeople within my very own family, from carpenters, to mechanics, to chefs — and my oldest son, Colin, who is a red seal electrician. These are some of the hardest working people in our society.

To celebrate this week, Skills Canada Yukon is participating in several events in partnership with local organizations, including a fashion technology workshop with Yukon Women in Trades and Technology, an experiential booth at the Education Career and Volunteer Expo, a technology-focused workshop at the Young Women Exploring Trades Conference, helping to host the youth category at the Yukon Film Society and Klondike Institute of Art and Culture 48-hour film challenge, and wrapping up their flag design competition for Yukon school-age students. The winning flag design will represent Team Yukon at the 2020 National Skills Competition.

This week highlights the importance of encouraging uptake in skilled trades and technology careers to ensure that Canada remains on the forefront of competitive advantage in global economies. More than 400 trades are designated by provinces and territories, and approximately one in five employed Canadians work in the skilled trades.

In Yukon and across Canada, tradespeople are in very high demand. The Government of Yukon strives to meet the current and future needs of our labour market by offering significant support for apprenticeship training. I would like to thank everyone who helps to support our high school students to

explore careers in skilled trades. And I would like to thank Skills Canada Yukon who, along with their partners, opens doors to youth across the territory with exciting workshops and skills clubs, as well as coordinating and promoting events for National Skilled Trades and Technology Week.

Together, we are building stronger communities.

Applause

Mr. Kent: I rise on behalf of the Yukon Party Official Opposition to pay tribute to National Skilled Trades and Technology Week in Canada. This week promotes career opportunities in skilled trades and technology and highlights the importance of these sectors across the Yukon.

The opening of the Centre for Northern Innovation in Mining, or CNIM, facility at Yukon College in 2016 was a tremendous leap forward for those in the territory interested in trades training. The innovative programming and technology offered to local students creates a dynamic environment for trades training. For those outside of Whitehorse, the mobile trades training trailers are available for deployment to the communities to offer rural courses and training.

We are proud of the direction the Yukon has gone in delivering world-class opportunities to students in skilled trades and technology. We also would like to thank Skills Canada Yukon for its continuing dedication to trades and technology and providing support and mentorship for those looking to step into different industries. The organization has been instrumental in the promotion of trades training in the territory.

This week, Skills Canada Yukon is offering a number of workshops and presentations for those looking to get involved. Anyone interested in the trades can take part and learn how to get their start in a rewarding career. It is wonderful to be able to explore your opportunities right here at home. Choosing a career path in trades and technology is not only a benefit to those individuals and their families, but to Yukon's economy and success.

So, thank you again to Skills Canada Yukon, to the Centre for Northern Innovation in Mining, to Yukon College, and to all those who continue to strive for excellence in their trades and beyond.

Applause

Ms. White: On behalf of the Yukon NDP caucus, I stand to acknowledge National Skilled Trades and Technology Week 2019. The goal of this week-long event is to promote and host awareness-raising events around the many career opportunities in skilled trades and technology in Canada. It is to get Canada's youth thinking about skilled trade and technology careers as a viable, interesting career option.

Skilled trade and technology careers are important for our economy, and I can attest that they are an excellent career path for young people to choose. Skills Compétences Canada Yukon says it well. It's a "Hands-on future" — "train today, trade tomorrow". Choosing a trade or a job in tech is like printing yourself out a golden ticket that will allow you to work and live anywhere in the world. It is crazy to realize that a disconnect

still exists on how our lives are affected by skilled trades and technology each and every day. Every aspect of our modern life touches at least one of these things. Did you wake up to an alarm clock or use a cellphone or a computer today? Thank a programmer. Flushed a toilet? Thank a plumber. Turned on the lights? Thank an electrician. Is your house warm? Thank an oil-burner mechanic or a sheet metalworker — and the list goes on and on.

Across Canada, there is a need for a skilled labour force. This week is an opportunity for Canadians to learn about the career options that exist in trades and tech.

We are lucky in the Yukon to have the Yukon Women in Trades and Technology and Skills Compétences Canada Yukon, two NGOs that promote skilled trades and technology job opportunities. This week, grade 8 girls from across the territory will descend on the capital as they explore different trade and tech careers through different workshops in a hands-on way. Yukon Women in Trades and Technology is hosting their yearly conference tomorrow and on Thursday. Businesses around town will open their doors to these young women as they explore and experience mechanics, carpentry, technology, welding and sheet metal, esthetics, aviation, hair styling, the culinary arts, mining and construction, and electrical — all in a hands-on way. I love this organization. I love both of these organizations.

I was initially asked to emcee at the YWITT conference way back in the 2000s, and then I became a board member until I was elected. I love participating in this conference. The energy and enthusiasm grow with the confidence of the participants, and there is a visible change between the first morning and the second afternoon. YWITT and Skills Compétences Canada Yukon are examples of industry leaders forging partnerships with local businesses and tradespeople to expose young people to the possibilities of a career in the trades and technology sectors.

We acknowledge National Skilled Trades and Technology Week and express appreciation for the teachers, the tradespeople, parents, educators, workers, employers, and volunteers who are part of the skilled trades and of course for the students who take part in National Skilled Trades and Technology Week. We wish every success to the youth of today in building tomorrow's future.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Streicker: I have for tabling today the Yukon Lottery Commission 2018-19 annual report, entitled "What's Your Recreation?"

Hon. Ms. Dendys: I have for tabling two legislative returns responding to questions from the Member for Copperbelt South on October 22 regarding radon testing and on November 4 regarding the Canada Remembers commemorative school project.

Hon. Ms. Frost: I have for tabling the Yukon community flu vaccine schedule for fall 2019.

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 congratulates the Government of Yukon on the launch of an open data repository to put more government information into citizens' hands in order to support openness, transparency, and economic diversification in the innovation, knowledge, and IT sectors.

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

THAT this House urges the Yukon government to establish and publish a firm target date for the completion and bringing into force of regulations necessary to give effect to the amendments to the *Corrections Act, 2009* set out in Bill No. 6.

I also give notice of the following motion:

THAT this House urges the Yukon government to adopt the British Columbia Corrections *Trauma-Informed Practice Guide* in order to enhance Whitehorse Correctional Centre staff and management awareness of trauma-informed practice and to ensure that trauma-informed principles are utilized to minimize triggers, reduce critical incidents, and de-escalate situations for individuals with a history of violence and trauma.

I also give notice of the following motion:

THAT this House urges that, pending the finalization of regulations intended to give effect to the amendments to the *Corrections Act, 2009* set out in Bill No. 6, this House urges the Minister of Justice to direct the Whitehorse Correctional Centre to adhere on an interim basis to the recommendation made by David Loukidelis, QC, in his May 2018 inspection report on the Whitehorse Correctional Centre that — and I quote: "... in recognition of the mental wellness risks that can appear as early as 48 hours, non-disciplinary separate confinement should be limited to no more than 48 hours in the first instance. Non-disciplinary... periods, up to a maximum of 132 further hours, but only in the most exigent circumstances, such as continuing real and imminent threats to the safety of the individual in separate confinement or the safety of others."

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

THAT this House urges the Liberal government to live up to their campaign promises about being open and accountable by telling Yukoners:

(1) how much money they are spending on operating the Whitehorse Emergency Shelter; and

(2) how much those costs have increased since the government took it over from the Salvation Army.

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

THAT this House urges the Minister of Health and Social Services to adequately staff all community hospitals and health centres with health care professionals as soon as possible to ensure that there is no disruption to flu clinics across the territory.

Speaker: Are there any further notices of motions?
Is there a statement by a minister?

MINISTERIAL STATEMENT

Mayo aerodrome becoming an airport

Hon. Mr. Mostyn: Mr. Speaker, our Liberal government is committed to making strategic investments to build healthy, vibrant, sustainable communities across the territory. We are making great progress toward a diverse, growing economy that provides good jobs for Yukoners in an environmentally sustainable way. An important aspect of our work is upgrading Yukon's aging infrastructure to prepare for a prosperous future.

Today, I am pleased to announce that Yukon has a new airport. On November 1, 2019, Transport Canada certified Mayo. This certification will allow the Mayo airport to support scheduled service on a long-term basis in anticipation of continued resource development in the region.

Under the Canadian aviation regulations, an aerodrome must be certified as an airport to permit air carriers to provide scheduled service. The Mayo airport is currently certified for day use only because the lighting does not meet current standards. The plan is to upgrade the lighting in 2020 so that Mayo can be certified for both day and night use. Certification requires that the airport meets and continues to meet current standards: (1) physical facilities — for example, runways, taxiways, or aprons; (2) manuals — for example, airport operations manuals and emergency response plans; and (3) programs — for example, safety management systems and airside inspections.

In 2017, there were no scheduled flights into the Mayo aerodrome. That same year, Air North requested that the Mayo aerodrome be certified as an airport to permit scheduled flights due to increased aviation activity in the region. Also in 2017, the Yukon government applied to Transport Canada for an aerodrome authorization to allow Air North to test scheduled service in that market.

In 2018, the Transportation and Aviation branches sought and obtained a one-year aerodrome authorization from Transport Canada. The one-year authorization was granted, allowing Air North to trial scheduled service into the Mayo aerodrome for one year from May 31, 2018, to May 31, 2019.

In 2018, Mr. Speaker, there were six to seven scheduled flights per week into the Mayo aerodrome. In 2019, Transport

Canada expanded the aerodrome authorization to October 31, 2019. This year, we hired staff and developed manuals and programs to meet certification requirements. This fall, contractors and subcontractors substantially completed the physical upgrades to Mayo to meet certification requirements. On November 1, Transport Canada certified Mayo as an airport — Yukon's fifth, Mr. Speaker.

I am happy to provide an update on how much money was expended on this project this year. A total of approximately \$3 million will be spent, as follows: a runway rehabilitation project has been completed at a cost of \$1.1 million; the design of runway lighting was \$100,000; the purchase of runway lighting was \$1.3 million; and additional capital expenditures will happen in the neighbourhood of about \$700,000.

Mr. Speaker, we are proud to be working with our partners to invest in aviation infrastructure that keeps our communities connected and helps grow our economy. I would like to thank Air North, the Village of Mayo, and Victoria Gold for making this improvement possible.

Mr. Hassard: Mr. Speaker, I wish I could say that the ministerial statements from this minister could be trusted, but as we have already established, the statements he makes don't always hold up to fact-checking. In March of this year, this same minister got up to tell us in a ministerial statement that \$5 million would be spent on the Mayo aerodrome this summer; however, as we've discussed, only \$1.15 million of that has actually been spent this summer.

This means that \$3.85 million that the minister committed would be spent this summer on the project has gone unspent, so you can forgive me for wondering whether the minister's statement in today's statement will prove to be inaccurate as well.

We've asked several times for the minister to explain where that extra money that was supposed to be spent this summer — where it actually went. If the money was simply lapsing, then it should show up in the supplementary estimates, but it doesn't. Was the money re-profiled to another project that went overbudget due to this minister's mismanagement? We don't know because the minister has refused to answer.

We're hoping that the minister has now had enough time to get briefed on this so he can answer the question. To be clear, we've asked this several times already and it really should not take the minister a week to come back with an answer on what happened to taxpayers' money.

In his statement today, the minister appears to have come up with some revisions to his initial estimates. Although he originally said \$5 million will be spent this summer, now he says, "Well, actually, \$3 million will be spent", and instead of spending it this summer, it will be spent sometime this year.

To quote the minister from October 31 — just five days ago — on this very same project, he said — and I quote: "We are spending \$1.1 million in upgrades this year..." We asked the question two days in a row and both days he gave us the \$1.1-million number.

The Premier also gave us that same number on October 22. The government has now given us three different sets of

numbers on what is actually being spent on this project: \$5 million, \$3 million, \$1.1 million. How much is it really? Who knows? Maybe we'll get a different number tomorrow, Mr. Speaker.

When you increase government spending as much as these Liberals have, it's tough to keep track. But with today's new set of numbers, there is almost a \$2-million difference between that and the numbers the Premier and the minister originally gave us. I would like the minister to explain that discrepancy. If in fact the actual number is what he provided today, how did the Liberals forget about the \$2 million in spending?

Let's assume that today's numbers are accurate and that the minister won't have to get up in this House and deliver a third ministerial statement on the Mayo aerodrome to clarify how much the Liberals are spending on this project. Even with today's numbers, our question still remains: Where is the leftover money going? If it doesn't show up in the supplementary estimates, it has to have been re-profiled.

As you know, Mr. Speaker, this minister in particular has often bragged about how his new capital planning process would ensure that project estimates would be accurate, projects wouldn't go overbudget, and project money wouldn't go unspent. Well, having 40 percent of the project budget lapse is pretty significant. I'm left wondering how the minister dropped the ball on this project so badly.

It would be interesting if things have actually changed — or has he had a deathbed conversion on this topic?

Ms. Hanson: I would like to thank the minister for his ministerial update. We are happy that his officials have found a way to keep this minister apprised of the activities for which he is both accountable and responsible to the people of Yukon. Repetition is one sure way of helping the Minister of Highways and Public Works to get some of the facts straight. To assist with the minister's recall, I wish to also reiterate that — as the NDP did last on March 13 of this year after the minister used a ministerial statement to re-announce this matter which was set out in the Budget Address a week prior — the Yukon NDP is happy to have an update on the investment to bring the Mayo aerodrome runway and ancillary services into compliance with Transport Canada regulations to allow regular daily scheduled flights.

According to Stantec's May 2017 Yukon aviation system review provided to the Government of Yukon, the Mayo aerodrome runway replacement and grading was the number one priority for the Yukon when assessing the state of infrastructure at the airport, coupled with expected growth in traffic. In addition to this information, the report also expects Mayo airport traffic to dramatically increase during the construction phase we went through at the Eagle Gold property and then — I quote: "... slowly decline as the project enters its operational phase."

The Minister of Energy, Mines and Resources has indicated that the projected life of the Eagle Gold mine is 10 years. Therefore, the information identified in the Stantec report would be indeed helpful for other government departments as they develop their long-range planning.

In particular, we hope that the Minister of Tourism and Culture, the Minister of Energy, Mines and Resources, and the Minister of Highways and Public Works have been in discussions already about the potential that the investment in upgrading the Mayo aerodrome can have to grow and diversify the tourism market in this beautiful region of Yukon.

Hon. Mr. Mostyn: I thank the Member for Whitehorse Centre for her remarks this afternoon. I guess I will thank the Leader of the Official Opposition for his reply, as disjointed and sort of fractured as that was. Once again, I don't really see a clear line on values from the Official Opposition these days. It's a little bit mixed up in direction, but that is the way that it has been for the last three years.

Mr. Speaker, aviation is a critical transportation industry in the territory. It is critical to our economy, and aviation is a priority for our Liberal government. Since taking office, we have invested millions of dollars in our territory's aviation infrastructure. Today, we were talking about the certification of a new airport. I didn't hear much about that, except from the Member for Whitehorse Centre.

As I mentioned, we plan to spend more than \$3 million this year on upgrading the Mayo aerodrome, which has now been certified as an airport to support scheduled flights into the community. We have repaired the tarmac at Erik Nielsen Whitehorse International Airport at a cost of —

Speaker's statement

Speaker: Order. One moment, please. The minister can sit down for a second. Stop the clock.

I think we have two things. First of all, the Minister of Highways and Public Works can speak up a little bit, and if the control can please ensure that the volume is at the appropriate level.

Hon. Mr. Mostyn: As I mentioned, we plan to spend more than \$3 million this year on upgrading the Mayo aerodrome, which has now been certified as an airport to support scheduled flights into the community. We have repaired the tarmac at Erik Nielsen Whitehorse International Airport at a cost of \$4.4 million. As we promised, we paved the Dawson City Airport at a cost of approximately \$10 million. We also invested more than \$8 million for a heated garage and maintenance equipment in Dawson City. We have invested more than \$3.5 million in modern snow-clearing equipment in Whitehorse, replacing dilapidated relics that were better used as museum displays. That sizable investment has allowed us to clear the runway more dependably and three times faster than in the past, improving efficiency at the airport.

We replaced the battered boarding bridge at a cost of \$1.2 million. We are modernizing the Whitehorse airport restaurant facilities. We are spending more than \$200,000 on lease lots in Whitehorse — an issue that has been ongoing for many, many years now, Mr. Speaker. We are buying new snow-clearing equipment and lights for Faro at an estimated cost of \$1 million. We plan to spend \$300,000 on the Old Crow Airport. We plan to map out needs to support night operations

in Pelly Crossing, and we are spending to improve equipment, lighting, and the runway at Watson Lake.

Mr. Speaker, there is currently scheduled service to Mayo. We just heard last week that Air North has expanded its routes, once again, to include service to Watson Lake, Prince George, and Nanaimo. That expansion included new jobs in Watson Lake. We are working with our partners to invest in aviation infrastructure that keeps our communities connected and helps grow our economy.

Speaker: Thank you. This then brings us to Question Period.

QUESTION PERIOD

Question re: Budget estimates and spending

Mr. Hassard: As we have highlighted over the last several days, the 2018-19 Public Accounts tell a story of a Liberal government that is spending money at an alarming rate, and to quote directly from page 3 of the Public Accounts — quote: "... expenses increased by \$123 million..." — or 10 percent — "... from the previous year".

Mr. Speaker, they're spending money so fast that, in some cases — such as with the failed ice bridge attempts in Dawson City — they're spraying taxpayers' money into the air. This casual treatment of taxpayers' money is shown by Liberal priorities such as giving the Premier a raise, increasing the budget of the Liberal Cabinet office, or mismanagement of projects causing them to go overbudget. For example, the Nares River bridge project came in \$2.4 million overbudget — and this is just one example of many.

Can the Minister of Highways and Public Works tell us why so many Liberal projects are going overbudget?

Hon. Mr. Silver: It's always a great opportunity to clear the record when it comes to the Yukon Party's attempt to compare oranges to apples.

Again, when it comes to an increase in spending, what the members opposite fail to tell Yukoners is that, with an increase in federal dollars at 25-cent dollars to 75-cent dollars, what also are increasing are the recoveries.

Again, the members opposite will needle into one particular part of the Public Accounts to have an "a-ha" moment, but what they're not doing is responsible accounting reporting to Yukoners about the complete facts. Right now, Mr. Speaker, because of the initiatives that we've done — working with First Nation governments and chiefs and councils, going to Ottawa for Yukon Days — we've increased the flexibility of federal dollars. We have many, many different pockets of federal dollars, and with an increase in spending to make sure that we keep up with this booming economy, we also have an increase in recoveries.

Mr. Hassard: We seem to have touched a nerve with the Premier. We didn't get much of an answer, so we'll try this again.

The lack of attention to detail by these Liberals is eroding Yukon's financial future. The Public Accounts state that the Liberal's spending spree amounted to \$123 million, or a 10-percent increase, compared to the previous year.

A major part of this is because the Liberals are spending money on things such as new logos, websites that no one wanted, giving the Premier a raise, and increasing the budget to the Cabinet offices, as I said. But another key part of this is the Liberals' inability to properly plan, manage, and keep projects on budget — let's look at the Ross River bridge that came in at least \$1 million overbudget.

Going forward, what are the plans that the Liberals have to ensure that projects do not go overbudget?

Hon. Mr. Silver: One of our plans we will continue to do is most of our budgeting up front with our main estimates as opposed to having two budgetary processes like the past government.

It is interesting that the member opposite keeps mentioning the raise of my salary. The member opposite had a raise in his salary this year as well. The member opposite also takes an extra \$20,000 a year for a leader's position in the government, yet takes on a summer job all summer long. Is that his way of spending his money and his salary when he has an obligation to this Legislative Assembly to be a leader?

When it comes to infrastructure spending, we will continue on plan. We will make sure that we budget up front the amount of money that we believe that the private sector can actually spend, and we will compare our narrative of how much money we say in the budget is going to go out to infrastructure and how much actually gets accomplished, compared to the previous government that had huge swings in those pursuits.

Mr. Hassard: So, as I was saying, the Liberals have increased spending by \$123 million over the previous year while racking up new debt. That has Yukoners concerned. The Liberals said many times in this House that their improved planning for projects meant that they would not go overbudget. The minister has even said that his new capital budgeting process means that they will spend what they said they would spend and the results would be his report card. Well, Mr. Speaker, the report card is in, and it looks like the minister is not meeting expectations.

The Liberals have massively increased spending — as I said, \$123 million last year — and it's partly due to them spending frivolously on things such as increasing the budgets for their office, the Premier's raise, new logos, water-spraying experiments, and of course their inability to keep projects on budget.

Can the minister tell us how this new procurement and capital planning process contributed to the Nares bridge going overbudget?

Hon. Mr. Silver: Mr. Speaker, the Minister of Highways and Public Works has been on his feet ad nauseum explaining exactly that concept — but let's talk about the non-consolidated numbers of the Public Accounts for the record, Mr. Speaker, so that Yukoners can have the complete story. The non-consolidated deficit of \$5.8 million differs by \$1.3 million from the budgeted deficit of \$4.5 million. When we are talking about increases, there is a \$32-million increase in revenue over the main estimates, which was driven by taxes and general revenues — \$19 million overbudget and

\$13.5 million of contributed capital asset recovery from the Salvation Army.

These revised estimates, approved through the years, accounted for \$7.6 million in overall increases. The \$33.6-million increase in expenses was driven by \$81.5 million in variances — accounted for by adjustments offset by \$34.1 million in the last O&M and \$13.98 million in lapsed capital.

Mr. Speaker, these numbers, again — as people are paying attention — it's hard to follow the bouncing ball. The members opposite will have you focus in on increased spending but not the increased recoveries. They won't want you to know that we have been very successful in lobbying and advocating for Yukon on a national scale to make sure that we have increased the amount of pockets of money that are coming to us from Ottawa at 25-cent dollars — but they won't tell you that part, Mr. Speaker.

Question re: Diabetes treatment

Mr. Kent: All MLAs in this House have taken a number of positive steps in dealing with Yukon families who are living with type 1 diabetes, or T1D. We have unanimously passed a motion for a pilot project to provide continuous glucose monitors to children and young adults. However, with one action, the Minister of Health and Social Services has jeopardized the relationship with the Yukon T1D Support Network by breaking the agreement they have on evaluating the pilot project.

In a letter to the deputy minister, the organization wrote — and I quote: "Deliverable A1.0 requires we 'Conduct evaluation with participating clients (including surveys and interviews, to be developed in partnership with YG)'. It has been brought to our attention that YG is intending to (or has already done so) hire an external evaluator. This appears to be a unilateral decision as we were not requested to amend the agreement or to provide input into the development of guidelines for an external evaluator."

So, Mr. Speaker, why did the minister break this agreement?

Hon. Ms. Frost: Thank you, Mr. Speaker. I am proud of the work that we are doing with our colleagues and the advocacy groups that we work with. I know that, when I started here, I met first with youth and the parents who are affected by type 1 diabetes. We effectively put into place, at that time, a project that will support young people with type 1 diabetes. That has gone really well.

I am aware of the letter that the member opposite refers to, which was received this very morning. I appreciate all the advocacy work, of course, and Health and Social Services will continue to work with the Hospital Corporation, but we will also continue to work with the advocacy groups in supporting the pilot project for constant glucose monitoring.

The one focus that we initiated early on was for zero to 18 years of age, and the second phase of that was to ensure that we provided supports to those who were 19 to 25. The second pilot project was supported through the Yukon type 1 diabetes support network.

Mr. Kent: The organization's criticism of the minister and her department is directed at the breaking of a partnership agreement that was put in place. That letter that the minister referred to this morning goes on to say that the government has excluded the Yukon T1D Support Network from the review. To quote from the letter — and I quote again: "It is difficult to understand how Yukon Government is not fully engaging our organization in this process. We have strongly advocated for Yukon Government to meet the needs of persons with Type 1 Diabetes through the inclusion of..." — continuous glucose monitors — "... across all age groups, and these efforts are not self-serving."

Why does the government not want this expert voice at the table when developing the criteria for the evaluation of the pilot project?

Hon. Ms. Frost: Just to clarify, the department has always worked with the advocacy group, and we will continue to work to ensure that we provide the type 1 diabetes support network with the resources that they need. In effect, that will happen in time. Where we are right now is that a letter was received today, and I am not going to respond to that, because it will certainly take some time for the department to respond appropriately.

We have reached out to the Yukon type 1 diabetes support network to notify them of the development of a draft RFP for an external evaluator to start a discussion, including the 19 to 25 age group. We have to realize that the complete evaluation of the trial has to take effect so that we can look at stabilizing this for the long term, recognizing that the department is scheduled to meet with the network group to discuss and provide input regarding the external evaluation. That has been set in place. As I understand it from the department, they have initiated the meeting. Once that happens, I will be happy to report back on the results of that.

Mr. Kent: Hopefully the Yukon type 1 diabetes support network doesn't have to wait as long as members of the opposition have to wait for responses to letters from this minister.

The Liberals campaigned on the slogan of "Be Heard". Unfortunately, they have broken this commitment time and time again as they tend to decide first and then consult later. The Minister of Health and Social Services has apparently ruined the relationship with another NGO with their decision-based evidence-making.

In their letter, the Yukon T1D Support Network has made the following request — and I will quote again: "... that our organization is consulted fully in not only the development of an external evaluator contract, but that we are provided ample opportunity to provide fulsome data in the evaluation process."

Will the minister direct her department to pause this process, honour the agreement that is in place, and engage meaningfully with this organization before proceeding any further?

Hon. Ms. Frost: It's a very interesting dialogue. I want to talk about the history and the support that wasn't there. What we have done is we met with the group, we are proceeding, and we will continue to have an open and transparent discussion.

We will make a decision based on the results of the trial that will involve and will include the type 1 diabetes network, and I really appreciate their input into the RFP process in hiring an evaluator. We are looking to include them in that process. We're not looking at excluding them — and I think we've always said that from the beginning to the parents of the children who participated in the initial project. Yes, we listened. Yes, we initiated. Yes, we supported them. We will continue to do that in good faith, with their input.

I'm very proud of the work of the department to meet the parents and meet the demand of the pressures that we were seeing. Historically, they were not supported and now I'm happy to say that they are and we will continue to do that into the future.

Question re: Beaver River watershed land use plan

Ms. Hanson: Last week, we debated a motion congratulating everyone involved with the success of the Peel River watershed land use plan. During the debate, I highlighted some questions that have arisen about the sub-regional land use plan that is being developed in the Beaver River watershed.

The Minister of Energy, Mines and Resources seemed to be under the impression that the Yukon NDP is opposed to sub-regional land use planning and the certainty that it can bring to Yukon First Nation governments and Yukoners alike. To be clear: The Yukon NDP is supportive of sub-regional land use planning and we are supportive of Yukon government working with Yukon First Nation governments to pursue them. However, the minister has been unwilling to explain why the Beaver River land use planning process is not going ahead under chapter 11 of the First Nation final agreements.

Can the minister explain why the chapter 11 sub-regional land use planning process was not used to guide the Beaver River plan?

Hon. Mr. Pillai: Just to clarify, the comments that I made last week were — just bringing to the table today that there was unanimous support put behind a motion at the Yukon Forum. The previous Leader of the Third Party might not be aware. I just wanted to bring it to the forefront that there are a number of types of land planning that are underway right now, and those particular planning processes have all been endorsed by the Yukon Forum. I thought that was appropriate to table.

The Government of Yukon of course is still working with the First Nation of Na-Cho Nyäk Dun and ATAC Resources Ltd. to develop a land use plan and road access management plan for the Beaver River. The land use plan and the road access management plan must be finalized before road construction. I have lots to add here, but I think it's important — going back to that point is the fact that there is local area planning that's taking place in the Southern Lakes right now. There's indigenous planning that's happening between three First Nations. There's the sub-regional planning in chapter 11. There is the opportunity — if both parties agree — to do other styles of planning. We have spoken to the land planning council on this.

It really seems that the person who has the biggest problem with this is the Member for Whitehorse Centre. I look forward to question number 2.

Ms. Hanson: I guess I'll take that as the Liberal government is now likely inviting backbenchers and others to the Yukon Forum — they're extending the invitation to the opposition. We're very happy to hear that.

Mr. Speaker, land use planning is intended to manage land use conflicts and to provide certainty. The agreement setting out the Beaver River land use plan says — and I quote: “Unless agreed to by the Parties, the provisions of the Plan will prevail over any other local area district or regional land use plan to the extent of any consistency.”

Chapter 11 of the final agreement says — and I quote: “... the provisions of an approved regional land use plan shall prevail over any existing sub-regional or district land use plan to the extent of any inconsistency.”

As it stands, chapter 11 and the Beaver River land use plan will explicitly contradict each other. This contradiction would not exist had the parties used chapter 11. Why not avoid the confusion and simply use the existing sub-regional land use planning process set out in the constitutionally protected provisions of the first final agreement?

Speaker: Order.

Hon. Mr. Pillai: I would like to commend the individuals who are working on behalf of Na-Cho Nyäk Dun as well as Energy, Mines and Resources and the Department of Environment. There is critical data that will inevitably make up chapter 11 work — regional land use planning. This is very important data. This is work that was not happening. We think that any forward motion on this type of planning should be supported.

What I find intriguing though is that the member opposite will wave the flag about her experience around the negotiation of self-government agreements and will also —

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Member for Whitehorse Centre, on a point of order.

Ms. Hanson: Mr. Speaker, I cannot cite the particular provision, but it has to do with personalizing debate. When the minister opposite is talking about the member opposite “waving her flag” about her past experience — I have had previous ministers try to do that to me in this House. I will not accept it.

Speaker: Order. The Minister of Community Services, on the point of order.

Hon. Mr. Streicker: What I heard the Minister of Energy, Mines and Resources doing was referencing the experience of the member opposite and not —

Some Hon. Member: (Inaudible)

Hon. Mr. Streicker: Well, thank you, Mr. Speaker.

What I think he was talking about was the experience that she was using in this Question Period question.

Speaker's ruling

Speaker: Two things: (1) I will review Hansard and return to the House as required with respect to the member's point of order; and (2) the Member for Whitehorse Centre — the off-mic comments were pretty close to unparliamentary language, in my view, so I will have to review those comments as well. I will return to the House as required with respect to that.

The Minister of Energy, Mines and Resources, please.

Hon. Mr. Pillai: Yes, thank you, Mr. Speaker.

The point that I was trying to make is the fact that what has happened was that two governments — both the government of the Na-Cho Nyäk Dun and the Yukon government — have sat down, defined the terms of reference on an agreement, and signed that agreement together. I am in no way trying to personalize. The point I'm making is that I have heard the member opposite on multiple occasions talk about the strength of these agreements. The agreements are about self-determination, so you can't at one point herald the agreements for self-determination and then come in and say that the two governments need direction from the member opposite. It's hypocritical. That is the point I was making and I look forward to question 3.

Ms. Hanson: Neither Yukon NDP nor I personally are attacking the agreement between this government and the First Nation of Na-Cho Nyäk Dun. We are merely echoing questions raised by the community.

The Mayo Renewable Resources Council, a product of the Na-Cho Nyäk Dun final agreement, in its submission to the planning commission, said — and I quote: “The Plan, simply put, does not adhere to the UFA and the NNDF and the process of the Yukon Land Use Planning Council and Commissions (Sec-11.8.4) has been disregarded.”

These concerns are legitimate and deserve an open and honest answer. The minister has stated that he has worked with the Minister of Environment to include components of chapter 11 in the Beaver River land use plan, and perhaps government lawyers have given an opinion that there is no reason to be concerned.

Can the minister say with confidence that the Beaver River land use plan will not conflict with the Northern Tutchone regional land use plan contemplated under chapter 11?

Hon. Mr. Pillai: Mr. Speaker, I think what we have seen in some of the communication that exists is that there is probably some important work to do to ensure that particular stakeholders — as one of the stakeholders who was just mentioned — have the proper information. I think that working with Na-Cho Nyäk Dun on this particular agreement and seeing the expertise that was at the table — former leadership and senior negotiators who have been part of the self-government agreement for Na-Cho Nyäk Dun from very far back, sitting there and guiding this process and of course then working with government officials.

I am very comfortable with the work that is happening. We are being respectful of the fact that there needs to be further work under chapter 11, that this can be congruent with that, and

that the data and information that is gathered is very relevant and part of that building process. We will continue to respect the other processes that are happening. When First Nation governments or local communities reach out to us for local area planning, we will continue to have respectful conversations with them and engage — whether it be in Lake Laberge, in Mayo, or in the Southern Lakes.

Question re: Housing First project

Ms. Van Bibber: On November 22, 2017, the Minister of Yukon Housing Corporation announced a Housing First project with no consultation with local residents. When the minister was asked at her press conference what the budget was, she claimed that they hadn't determined a budget yet. Reporters confirmed shortly afterward that the budget for the project was actually stated in the tender documents. According to those documents, the budget was \$2.7 million. At the time, we said that was quite low for such a project, and it turns out that we were right.

If you go to the contract registry, you can see that the actual amount spent was over \$4.1 million. That means that the project is 52 percent overbudget. How did the Minister responsible for Yukon Housing Corporation mismanage this project so badly that it went this far overbudget?

Hon. Ms. Frost: We are committed to a Housing First project. What we are committed to is ensuring that we provide supports to our most vulnerable populations.

What we have done is that we did go ahead and proceeded with consultation. We spoke to the neighbours. We looked at our planning committee. We worked with the Safe at Home committee, and we did that in collaboration with the Housing Corporation and Health and Social Services — a joint effort. We understand that construction of the Housing First project on 5th Avenue and Wood Street is completed, and we will look at moving in the clients very shortly — in the next couple of weeks. We are looking at an operational model.

With respect to the cost and where we are with the cost — as noted by the member opposite, the project construction was awarded for \$3.9 million, and the budget — as we budgeted it — was \$2.7 million. Looking at the fact that we included federal funding — and we utilized \$1.2 million, which is the difference. That's where we are, Mr. Speaker.

Ms. Van Bibber: As I have highlighted, the project was announced without consulting local residents. We raised concerns about this approach, and the Minister of Community Services claimed that consultation letters had gone out to the community. It later turned out that the letter wasn't sent out until four days after the minister's comment, and when CBC called him out for this, he had to correct the record in the Legislature.

This project has been mismanaged by the Liberals from the beginning, and these aren't the only issues with it. We are now almost \$1.4 million overbudget, and the facility was supposed to have been completed by June 30, 2019. Can the minister confirm the date and why it is going on so late?

Hon. Ms. Frost: We are proud of the efforts, the work, the consultation, and the engagement and of putting forward

initiatives in housing that are much needed within our city. That is what we are doing. We are doing it with integrity. We are doing it as transparently as we possibly can. We are engaging. We are utilizing federal resources, and we are cost-matching that.

We are working in partnership with the Yukon Housing Corporation. We are looking at the philosophy of Housing First. I recollect that, when this came forward, there were a lot of questions around — “Well, what does that mean specifically?” Well, Mr. Speaker, we look at providing resources and housing. Perhaps — housing is defined as a human right. Every person requires shelter and we want to ensure that this happens.

We are looking at opening the Housing First on November 12. We are very pleased about that. Why is that? It is because it provides necessary shelter and provides support for the vulnerable population. We will continue to do that, Mr. Speaker. Perhaps the members opposite aren't supportive of that, but we certainly are on this side of the House.

Question re: Budget estimates and spending

Mr. Cathers: We have learned from the 2018-19 Public Accounts that the Premier and his colleagues added \$14.9 million in new long-term debt last fiscal year. They bypassed the Legislature and added on millions in debt. In that same fiscal year, I asked the Premier if the government was planning to take on any new debt. He told me — and I quote: “... we're not contemplating taking on any extra debt for our five-year capital plan...” He then went on to assure us — and I quote: “... we are not contemplating borrowing.” By the end of that year, he added on millions in new debt, increasing the total long-term debt by \$14.9 million.

Why did the Premier promise not to take on extra debt and then do the exact opposite?

Hon. Mr. Silver: Thank you very much, Mr. Speaker. This is a great opportunity to talk about debt and how we got into it. Of the \$400-million borrowing limit that is being set by Yukon borrowing limit regulations, \$190.5 million is still available. I wonder who borrowed that other \$200-some million. Oh, yes — it was the Yukon Party — that's right — and they left that debt on the books for Yukoners for future governments to deal with. Absolutely.

Mr. Speaker, Yukon's current borrowing limit, as I said, is \$400 million, allocated between the Government of Yukon and the corporations as well — Yukon Development Corporation, Yukon Energy Corporation, Yukon Housing Corporation, Yukon Hospital Corporation — and the limit is set by two regulations under the *Yukon Act*. These regulations specify that borrowing of any entities are included in the Public Accounts, and we are continuing to maintain that so that taxpayers know exactly who borrowed what money and when.

Mr. Cathers: Well, Mr. Speaker, aside from the fact that the Premier is forgetting that much of that debt predates the previous government, we are talking about what the Premier himself said.

Last fiscal year, the Premier repeatedly told us his government was not going to borrow more money and increase

the long-term debt. Instead, they added \$14.9 million to the Yukon's total long-term debt.

Here is another quote from the Premier when I pressed him about whether he was considering adding more long-term debt — quote: "... I have said this a few times, but I don't think the member opposite is paying attention to it — that we are not contemplating borrowing. We have a five-year capital plan and we have no contemplation to be borrowing..."

Can the Premier explain why he broke the promise he made in this House and added \$14.9 million in new debt last year?

Hon. Mr. Silver: Mr. Speaker, the member opposite can confuse two different issues — absolutely. When the member opposite is asking about increasing the debt limits, that's one thing — going to Ottawa and talking about the increased debt limits. There's another thing about actually using the \$190 million that the members opposite left us out of \$400 million that they and their predecessors — the Yukon Party government — borrowed without any plan to repay.

Mr. Speaker, these requests to increase the debt — they have happened historically. In 2009, the Yukon Party increased the debt limit to \$300 million from \$138 million. In 2012, they again raised it another \$100 million. Now the member opposite is criticizing this government for adding to that — under \$15 million in debt — and also using words about whether we go to Ottawa to increase the debt limits — or are we going to use a mechanism that we need to use to allow corporations to continue to do the good work to serve Yukoners?

That's pretty rich from the member opposite who knows very, very well that his government has raised the borrowing limit twice — starting at \$138 million and onward to \$400 million.

Again: Is this a criticism on my behalf? No; no, it isn't. I'm sure the members opposite had good reason for what they did. But I will say that it's pretty rich that they keep on talking about us increasing the debt limit when it was them who increased the debt limit.

Mr. Cathers: Mr. Speaker, the Premier seems outraged that I dared remember the fact that he told us that he was not going to add new long-term debt. I quoted his exact words, but the Premier doesn't like them.

Yukoners expect us to hold them accountable for the wasteful spending of taxpayers' money under this Liberal government that has increased spending by a whopping 10 percent in a single year according to their own Public Accounts.

They hiked spending by \$122 million in one year and of course gave the Premier a raise. The Premier repeatedly assured us in this House that he wasn't planning on borrowing money. In that same fiscal year, he borrowed millions of dollars without the scrutiny of the Legislature. The Liberals' new long-term debt will still be here for future governments and generations of Yukoners to pay.

Does the Premier believe that it's reasonable for his Cabinet to decide to plunge the Yukon further into debt without even giving the Legislative Assembly a chance to debate the spending first? Why did he add \$14.9 million in long-term debt

after telling this House that he was not contemplating borrowing money?

Hon. Mr. Silver: Again, using money for Yukon Energy Corporation or Yukon Development Corporation or any of the corporations is always something that we consider whole-of-government on this side of the House. Of course, it's interesting that the member opposite will confuse things and take things out of context and try to make it seem like we're doing something that the previous government already did. They're criticizing us for a \$15-million increase in the borrowing where they have used up \$210 million of that debt limit already, only leaving less than half of that. It is so interesting — the narrative of the member opposite. I don't know who he thinks he's speaking to as far as a narrative when he's telling Yukoners half parts of the full narrative — whether it's —

Some Hon. Member: (Inaudible)

Point of order

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

Mr. Cathers: The member seems to be in contravention of Standing Order 19(h), and as he knows, I'm not speaking of a narrative. I'm quoting him the facts.

Speaker: The Hon. Premier, on the point of order.

Hon. Mr. Silver: I'm merely pointing out that the member opposite is cherry-picking certain facts and certain narratives and just pointing out that there is more to the truth. So, this is a dispute among members.

Speaker's ruling

Speaker: This appears to be pretty solidly a matter of debate and a dispute between members.

The Hon. Premier, you have 40 seconds.

Hon. Mr. Silver: Thank you, Mr. Speaker. I don't know who the member opposite is speaking to when only talking about increases in expenses but not talking about recoveries which make up 75 percent of a lot of the money that we spend when we get 25-cent dollars or the fact that we were maximizing the federal dollars when we do attempt to get projects out the door that are community-led. It's a herculean effort not only to work whole-of-government but also with the community interests in mind.

The members opposite again spend a lot of our debt and now they're blaming us for it.

Speaker: The time for Question Period has now elapsed.

Notice of opposition private members' business

Ms. White: Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Third Party be called on Wednesday, November 6, 2019. It is Motion No. 66, standing in the name of the Member for Takhini-Kopper King.

Mr. Kent: Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Official Opposition to be called on Wednesday, November 6, 2019. It

is Motion No. 77, standing in the name of the Member for Pelly-Nisutlin.

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

ORDERS OF THE DAY

Mr. Hassard: Pursuant to Standing Order 14.3, and notwithstanding Standing Order 27(1), I request the unanimous consent of the House to move, without notice, a motion for the House to pay tribute to Dennis Fentie, former Premier of Yukon, on Thursday, November 7, 2019, outside of the rubric for tributes during the Daily Routine.

Unanimous consent re moving Motion No. 100

Speaker: The Leader of the Official Opposition, pursuant to Standing Order 14.3, and notwithstanding Standing Order 27(1), has requested the unanimous consent of the House to move, without notice, a motion for the House to pay tribute to Dennis Fentie, former Premier of Yukon, on Thursday, November 7, 2019, outside of the rubric for tributes during the Daily Routine.

Is there unanimous consent?

All Hon. Members: Agreed.

Speaker: Unanimous consent has been granted.

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 100 — Tribute to former Premier Dennis Fentie

Mr. Hassard: I move:

THAT on Thursday, November 7, 2019, at 3:00 p.m., the House pay tribute to Dennis Fentie, former Premier of Yukon.

Speaker: It has been moved by the Leader of the Official Opposition:

THAT on Thursday, November 7, 2019, at 3:00 p.m., the House pay tribute to Dennis Fentie, former Premier of Yukon.

Speaker: Is there any debate on this motion?

Are you prepared for the question?

Motion No. 100 agreed to

GOVERNMENT BILLS

Bill No. 4: *Act to Amend the Elections Act* — Second Reading

Clerk: Second reading, Bill No. 4, standing in the name of the Hon. Mr. Silver.

Hon. Mr. Silver: I move that Bill No. 4, entitled *Act to Amend the Elections Act*, be now read a second time.

Speaker: It has been moved by the Hon. Premier that Bill No. 4, entitled *Act to Amend the Elections Act*, be now read a second time.

Hon. Mr. Silver: Mr. Speaker, it is my pleasure to speak to these amendments to the *Elections Act* for the Legislative Assembly's consideration.

I want to first acknowledge the work of Maxwell Harvey, Chief Electoral Officer of Elections Yukon, who recommended these specific amendments to Members' Services Board as part

of the ongoing work of Elections Yukon to review our elections system and administer the elections process.

Part of the Chief Electoral Officer's work has been to review and identify what is needed to fully implement the permanent register that was established in 2015. This is the foundation of the amendments here today.

I also want to acknowledge the work of the individuals on the Members' Services Board to review the recommendations of the Chief Electoral Officer and to develop the amendments that we are discussing here today.

While these amendments are administrative in nature, they are designed to strengthen our democracy and ensure the integrity of the elections process by fully operationalizing the Yukon permanent voter register and making voter registration and voting processes clearer and more accessible for Yukon voters. Most importantly, the amendments will support the permanent register by allowing for information sharing between Elections Yukon and Yukon government departments for the purposes of populating the register and increasing access to special ballots as a voting option for all Yukon voters.

To give a bit of context: As many of us will recall, the transition from enumeration to a permanent register was provided for in 2015 when the act was last amended. The whole point of the permanent register, as we know, was to move from an in-person, door-to-door enumeration process — which is inefficient, labour-intensive, and time-consuming — to a modern, up-to-date system.

Putting a register in place was a long time coming and it represented a major shift in our approach to voter registration. A modern electronic register will provide for greater coverage, currency, and accuracy of the registered voters in Yukon — and there are some very telling numbers to demonstrate this point. For example, if you compare Elections Yukon's list with the Elections Canada list, you will see that Elections Canada currently includes over 30,000 Yukoners on their list, which is said to be about 94-percent coverage of the voting population. On the other hand, Elections Yukon has less than 25,000 voters on their list in the last election, which could represent a 25-percent difference in the number of electors compared to Canada's list. That's a big difference when you consider all the variables. It could be a difference of 5,000 electors or so.

The old enumeration process missed a number of people. The voter lists were incomplete and contained errors. Many voter information cards were returned to Elections Yukon. Some may simply have gone to the wrong address or were tossed out. In terms of voter turnout in the last election, there were almost 6,000 Yukoners registered to vote with Elections Yukon who did not. At least some of this can likely be attributed to people not receiving their voter information card. When you look at some of the numbers and relate them to a jurisdiction like ours with small districts, it is really clear how important every vote is and the weight of every vote. For example, in the last election, 15 of our 19 ridings were decided with a margin of less than 100 votes, and 12 of those were decided by less than 50 votes.

If you look at the weight of each vote in Yukon and the volume of votes, you can see how small changes might have

had big impacts. This is why it is so important to support these amendments to help fully operationalize the 2015 changes to voter registration. Doing so will improve Yukoners' access to the vote in a way that enhances convenience and the integrity of the institutions that preside over our processes. Essentially, the register is an electronic database of Yukon voters. As an electronic database, it can receive data from multiple sources, it can be continually updated as new information becomes available, and it can cross-check and verify the accuracy of that information.

While the register was authorized in legislation in 2015, the Chief Electoral Officer identified some remaining barriers in the act that prevented the register from functioning as effectively as it could, making it more difficult to bring the register to life and realize its various benefits. The Chief Electoral Officer also identified additional process improvements that complement the permanent register. These improvements will increase convenience and accessibility for Yukoners both when they register to vote and when they exercise their right to vote.

I would like to take a few minutes to speak in greater detail about the key amendments that we are discussing here today. These priority areas include: eliminating barriers that limit data sharing needed by Elections Yukon to fully implement that register; addressing inconsistent timelines and processes for registration and voting; and increasing access to special ballots for all Yukoners.

First, I want to speak to barriers that limit Elections Yukon from accessing information to fully implement the register. Currently, Yukon is the only jurisdiction in Canada that requires an individual to specifically approve or opt in to allow their personal information to be collected by Elections Yukon from a public body or electoral authority, yet this same information can readily be accessed by other electoral authorities such as Elections Canada to verify the information on their register.

The requirement for individual consent limits Elections Yukon from establishing the register to provide for timely access to accurate information. These proposed changes will allow Elections Yukon the same access provided to Elections Canada. The proposed amendment will authorize the Chief Electoral Officer to collect personal information from Yukon public bodies and government departments and allow these departmental bodies to provide that information without an individual being required to opt in — note that Elections Yukon will follow established best practices for the collection, use, and storage of personal information and the protection of privacy.

The proposed amendments will also add Yukon First Nation governments as electoral authorities similar to municipal governments and Elections Canada. This will allow the Chief Electoral Officer to enter into agreements with Yukon First Nation governments — if they wish — to share information for electoral purposes, thereby providing another potential tool to establish a more inclusive and complete register of Yukon voters.

The second key area of the amendment is designed to improve voter registration processes and align timelines to

produce more accurate voter lists. The permanent register needs to operate in tandem with voter registration and voter processes, including special ballots — all of which can change the information needed for the final voter list used on election day.

At the end of the day, the goal is to have accurate voter lists used throughout the election period and especially on polling day. This will ensure the integrity of the electoral system.

Right now, the timelines are inconsistent and varied, essentially requiring updates and changes throughout the election period, including on voting day. This makes it very difficult and cumbersome for elections officials to produce and use accurate lists. It also can result in errors at polling stations and confusion for voters. The proposed amendments will improve inconsistencies and help ensure accurate voting lists.

The third key area of the amendment is expanding access to special ballots. With these changes, all Yukoners have the option to vote using special ballots — all Yukoners. Any elector who cannot or does not wish to vote at a polling station during an election can apply to vote using a special ballot. This significantly expands options to Yukoners.

Currently, a special ballot is only open to some voters, and there are various timelines and conditions around their use, making the process confusing and cumbersome. The proposed amendments will also standardize the timelines for special ballot applications. All special ballots will now be available from the time that the writ is issued — that is, the day that the election is called — until the Friday before the election day or day 28 of the election period. However, to be clear, special ballots can be applied for before the writ is issued. They will be provided to voters after the writ is issued, and they can still be received up to the close of the polls on election day.

Standardizing the timelines for special ballot applications will provide Elections Yukon with the time needed to adjust the final voting lists to be used at the polls and accurately account for voters who have been issued special ballots and are deemed to have already voted.

Taken together, this modest but important package of amendments that we have before us will bring the permanent register to life and will improve registration and voting processes for Yukoners. The integrity of the electoral system and services to Yukoners in the voting process is what this package of amendments is focused on.

I would like to take this opportunity once again to thank the Chief Electoral Officer for the experienced advice and the Members' Services Board for its diligence in reviewing and endorsing the recommendations of the Chief Electoral Officer. It is my intent in tabling these amendments today to have something that all members support, since they were developed through Members' Services Board in the spirit of cross-party collaboration and based on the expert advice of the Chief Electoral Officer.

It has been an absolute privilege speaking today to this bill. I look forward to hearing from other members.

Mr. Cathers: In rising to speak to this legislation as the Official Opposition critic for democratic institutions, I would point out to the Premier that, if he wants to start making

reference to Members' Services Board discussions — especially misleading references — then perhaps we should make the minutes of those meetings public so that Yukoners can understand what discussions actually occurred at those meetings.

Mr. Speaker, in speaking to this legislation, I want to begin by noting the fact that it is very disturbing to see this Premier and this Liberal government talk a very good line on collaboration and then do the opposite. I have to point out the connection on this to the Liberals' approach to electoral reform. We know that, despite input from the opposition — and despite that, in fact, during a previous debate on a motion in the Legislative Assembly where the Premier claimed at the time to be open to an all-party approach to electoral reform — the Premier and his colleagues, earlier this year, set up what has been quite accurately characterized as a one-party-decides-all approach to electoral reform. In fact, their approach was, as the member knows, criticized by the former Clerk of the Legislative Assembly, who served this Chamber for —

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Hon. Premier, on a point of order.

Hon. Mr. Silver: The member opposite is clearly speaking to items other than the bill on the floor. I would ask him to make it quick and get back to the actual bill.

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

Mr. Cathers: On the point of order, I am referencing something very directly related to the legislation at hand. If the Premier will allow me to continue speaking, Mr. Speaker, you will see how these two are very directly connected.

Speaker's statement

Speaker: Well, the matter for consideration this afternoon is Bill No. 4, *Act to Amend the Elections Act*, so I will listen to the Member for Lake Laberge and his focus on this bill. I will certainly listen to how he will try to link it with electoral reform, writ large. I will listen, but I would certainly ask the member to focus his attention on Bill No. 4.

Mr. Cathers: Mr. Speaker, I will connect the dots right away. Yesterday, the Leader of the Official Opposition sent the Premier a letter regarding electoral reform. In that letter, the Leader of the Official Opposition made a request, and I will quote from it and table a copy of the letter as well for members. The Leader of the Official Opposition wrote, "For this reason, I am requesting that as a gesture of good faith, you commit to not calling the Elections Act for debate until after we meet so that we can discuss a proposed amendment to the Act..."

Mr. Speaker, the relevance of the two processes is that, following the debate which has occurred regarding electoral reform, the Leader of the Official Opposition wrote a letter yesterday and sent it to the Premier regarding both the current amendments to the *Elections Act* that we are discussing and electoral reform. The response to that letter, unfortunately, from the Premier was perhaps the most arrogant response that

we could see from this government — very dismissive to the request made by the Leader of the Official Opposition. The direct connection between the two, I would point out, is that both in the bill itself and the fact that the Leader of the Official Opposition wrote the Premier a letter regarding this bill and its connection to the electoral reform process, and he specifically proposed a meeting to discuss the two — just for the record, I will table a copy of the November 4 letter that the Leader of the Official Opposition sent to the Premier regarding this act that we are discussing now and electoral reform.

I will just quote from that letter. The letter from my colleague, the Leader of the Official Opposition, to the Premier said, "Dear Premier..." — and, of course, I can't use his name — "RE: Electoral Reform".

"You still have not responded to many questions the Official Opposition posed in previous correspondence regarding electoral reform. We are of the firm view that in order for you to demonstrate you are working with all parties in good faith that you should answer these questions.

"Refusing to answer simple and reasonable questions in writing only contributes to the perception that you are needlessly being secretive or purposely keeping information from opposition parties. You have now received the questions through multiple letters; I encourage you to please answer them."

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Hon. Premier, on a point of order.

Hon. Mr. Silver: Now we are reading unnecessarily from documents that are tabled, Mr. Speaker. We are debating a specific bill about amendments to a specific electoral act.

The member opposite can quote about a strategy that they have to continue to postpone electoral reform as much as he wants and paint it whatever colour he wants, but it still is speaking outside of the rules of the Legislative Assembly as far as what we are here today to be debating.

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

Mr. Cathers: The Premier is taking a very narrow view of the Standing Orders and is trying to stifle the type of debate which has occurred for decades on legislation of this type. The letter at hand that I am quoting from was addressed to the Premier regarding both this act and its connection to electoral reform.

So, I believe that it is a dispute between members. Clearly, the Premier doesn't want me to have the opportunity to tell the public the facts.

Speaker's ruling

Speaker: Obviously, the Speaker doesn't have the benefit of the review of documents now that are being referenced on the fly, which makes it difficult for the Chair — the Speaker — to make any sort of coherent determination with respect to the nexus.

Standing Order No. 19 says, “The member shall be called to order by the Speaker if that member (b) speaks to matters other than (i) the question under discussion...”

So, I understand what the Member for Lake Laberge is saying with respect to some latitude, but clearly the matter under discussion is Bill No. 4, and notwithstanding that there might be some connection to another topic, the focus of the member’s comments this afternoon at second reading with respect to this bill should be with respect to this bill.

In relation to what the Member for Lake Laberge would like to bring to the House’s attention, there is certainly — in my view, there will be opportunity to do so at other times — whether that is in Question Period or other motions. Although I might provide some additional latitude, in my respectful submission, pursuant to Standing Order 19(b)(i), the preponderance of the focus of your submissions should be with respect to Bill No. 4.

The Member for Lake Laberge, please.

Mr. Cathers: Mr. Speaker, the letter that I’m quoting from that the Premier didn’t want me to — spends about half its time talking about this *Elections Act* amendment we are discussing here today. The rest of the letter — because the two matters are directly connected — relates to the Liberal government’s electoral reform process.

Though the Premier doesn’t want me to talk about the discussions that have occurred and the correspondence, I believe these matters are very directly related. Of course, any —

Speaker’s statement

Speaker: The Member for Lake Laberge, I think I’ve made a decision here. No one is stopping you from bringing up this issue as soon as tomorrow, I suppose. There’s nothing stopping you from bringing this issue up.

I would like you to wrap up your comments and focus on Bill No. 4, please.

Mr. Cathers: Mr. Chair, I will of course respect your ruling, although I am quite surprised by it.

Some Hon. Member: (Inaudible)

Mr. Cathers: Mr. Speaker, it is — while I hear the Premier kibitzing off-mic — but we’re talking about changes to the *Elections Act*. We are talking about a specific request the Leader of the Official Opposition made regarding the *Elections Act* to the Premier.

Mr. Speaker, the reference in the letter that I would note regarding this legislation — I will repeat that again — regarding this legislation — the Leader of the Official Opposition wrote to the Premier and proposed meeting to discuss this legislation and the electoral reform process and suggested a time later this week — that time being November 8 at 12:30 p.m. — to discuss — let me say it again — this legislation and electoral reform.

Mr. Speaker, the response from the Premier and the government is clear. Despite the request — and I’ll again quote from the relevant part of the letter. The Leader of the Official

Opposition, in direct reference to this legislation said — and I quote: “The topic of electoral reform, as you know can be quite broad, but we interpret major electoral reform to mean any changes in law that would affect how and when Yukoners can vote or how their ballot is counted. As such, the current amendments to the Elections Act that reduce the opportunities for Yukoners to cast special ballots, we consider to be major changes. We are concerned that they are being proposed without any consultation with Yukoners. As you know this particular legislative change, if implemented prior to the last election, could have resulted in 206 ballots not being cast.”

So, Mr. Speaker, as the Premier knows, this is not the first time that we have raised concerns with this part of the act, but a direct request made by the Leader of the Official Opposition to the Premier yesterday was — and again, I will briefly quote from the letter because it is directly relevant to these changes. The Leader of the Official Opposition said — and I quote: “For this reason, I am requesting that as a gesture of good faith, you commit to not calling the Elections Act for debate until after we meet so that we can discuss a proposed amendment to the Act which would allow this proposal to be considered through the electoral reform process.”

Of course, the Premier could, if he wished, have agreed to that request and had the meeting, discussed it, and chosen not to agree, but the Premier wouldn’t even meet to discuss this legislation and the connection to the Liberals’ one-party-decides-all electoral reform process.

Again, I’m going to quote briefly from the letter. In proposing a meeting to discuss both this specific legislative change that we are discussing here this afternoon and electoral reform, the Leader of the Official Opposition said — and I quote: “That said, and despite the fact that you have so far not been forthcoming or transparent throughout this process, the Official Opposition believes that it is in the interests of Yukoners to try and get this back on track. For that reason, I’m suggesting that all three parties meet on November 8th at 12:30 PM to discuss a path forward.”

Now, if that time wasn’t convenient for the Premier, he could have replied to the letter sent by the Leader of the Official Opposition and proposed a different time. Instead, in what appears to be a direct response to what I believe any Yukoner would see as a very reasonable request from the Leader of the Official Opposition to meet to discuss the *Elections Act* and the Liberals’ proposed electoral reform process — again, the Leader of the Official Opposition asked that, as a gesture of good faith, the Premier commit to “... not calling the Elections Act for —”

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Hon. Premier, on a point of order.

Hon. Mr. Silver: Mr. Speaker, I am trying. I really am trying here, but the member opposite keeps talking about a meeting on Friday that I heard about — well, it was a letter delivered yesterday. At the same time, Mr. Speaker, he is asking me if we could meet outside of the Chamber to speak

about what we're supposed to be speaking about right now in the Chamber, which is this particular bill.

Again, the member opposite speaks over and over again about the same thing, but he is refusing to speak about Bill No. 4. I would ask the member opposite — we could speak about this in Committee of the Whole. We could speak about this many other times, but right now, it is our responsibility to discuss the amendments in Bill No. 4. The member opposite is asking us to have a closed-door meeting and to have that conversation as opposed to doing our job here in the Legislative Assembly. I would ask you, Mr. Speaker, to recommend that the member opposite get back to the topic at hand today.

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

Mr. Cathers: I am referencing a letter that the Leader of the Official Opposition wrote the Premier about this very bill. I think that this is directly germane to this legislation. If the leader had concerns with the bill as he did and suggested a meeting to discuss it, I think that is quite relevant to the legislation itself, since it's about that legislation.

Speaker's ruling

Speaker: We have heard about the chronology and you have had your opportunity to provide debate on the chronology. If you want to wrap that up in the next, I would say, minute or so — after that, I am looking for the Member for Lake Laberge to focus on the second reading of Bill No. 4, *Act to Amend the Elections Act*, and the substance therein.

Mr. Cathers: Thank you, I think, Mr. Speaker.

Some Hon. Member: (Inaudible)

Mr. Cathers: Again, the Premier is arguing off-mic. The Premier has a tendency, as he did in speaking to the *Elections Act*, to argue that black is white and red is black. If he doesn't like the criticism that comes from other members about the matter under discussion, he is quick to call a point of order.

I would actually point out to the Premier that the numbers that he cited in introducing this bill — he might want to check his math. I know that it is not his strong suit, but he got some of those numbers wrong, Mr. Speaker.

In fact, when talking about the margin of victory in ridings in the last territorial election, we have seen the situation — sorry, I am just looking for that part in my notes — in fact, the actual facts, contrary to the Premier's numbers, are that, in the last territorial election, 10 ridings were won by less than 60 votes. A change of less than 200 votes could significantly change the balance of seats in the Legislative Assembly.

I have to remind the Premier that, although he is choosing to ram through changes that do not have the support of all parties, in 2015, the Yukon Party of the day — with me as the lead minister, as Minister of Justice — worked on changes to the *Elections Act* and were able to receive the unanimous support of the Assembly, including the Premier himself as then-Liberal leader. The Assembly then unanimously voted in favour of legislation that expanded the ability for people to vote by special ballot. Now we are seeing some of those changes that were unanimously passed by this Legislative Assembly rolled

back through the bill that the Premier has tabled here in this House. The Premier claimed that they are actually expanding special ballots. In fact, we know, from both the former Chief Electoral Officer and the results that happened in the last election with an unprecedentedly high use of special ballots, that the list of specified reasons that are currently allowed effectively allow anyone to vote by special ballot anyway. That particular part of the legislation — we don't have a problem with removing the requirement for a specified reason and just simply allowing someone to vote by special ballot for any reason, but, in fact, it is not having a significant effect on the number of people who voted.

What does have a significant effect is the change that the Premier has insisted on proposing here in this bill, which, if it had been in effect at the last election, might have resulted in the 206 people who voted during the early voting opportunity by special ballot potentially not having the opportunity to cast a ballot. We don't know how many of those 206 people would have been unable to vote, but neither does the Premier.

I have to ask: Where is the compelling reason to cut off the opportunity for someone to cast a ballot before the writ was dropped? It was popular last time. Again, 206 people, according to the numbers from Elections Yukon — 206 Yukoners cast a ballot in the early voting opportunity afforded by the changes to the *Elections Act*.

Some Hon. Member: (Inaudible)

Mr. Cathers: For the members talking off-mic, you may want to take a look at the numbers in the report provided by Elections Yukon to all parties.

It is very interesting here that this government seems to think that it has a mandate to choose to change the *Elections Act* in a way that could have potentially disenfranchised 206 voters in the last election. For the Premier to describe these changes as “administrative in nature” — that was his exact quote earlier today — that is pretty shocking, Mr. Speaker.

Again, the Premier in his opening remarks made reference to changes to the act and that this legislation allows for the move away from enumeration, but the legislative changes to move away from enumeration were contained in the *Elections Act* changes passed unanimously in this House in 2015. We understand that some changes to make it smoother have been proposed by Elections Yukon, and those changes we do not have a problem with, Mr. Speaker. But, again, we do not believe that it is appropriate to cut off any significant period of voting without even asking Yukoners first. We believe that those sections of the act should go out for public consultation at the very least, if the government is insistent on making those changes.

Again, I would ask all members of this Assembly: Where is the compelling need to change this to deny that early voting opportunity that was popular in the last election with students, people who were planning to travel, and people who are working in remote locations? As we have stated, we believe in a principle. The Yukon Party believes in the principle of increasing opportunity and removing barriers for people to vote. The Premier claims that their planned changes the *Elections Act* would not prevent people from voting, but what

we know is that, in the last election, 206 people voted by special ballot during the early voting time period, which this legislation before the House seeks to eliminate. The ability to vote by special ballot before the writ was officially dropped made it easier for students going to university, people planning to travel, and people who work in remote locations. As I noted, those changes were passed with the unanimous support of this House in 2015.

We do have to ask the Liberal government: How they can support shortening the time period to case a ballot without actually consulting Yukon citizens to see if they support this change which could have easily made the difference of what party formed the government in the last election and could make a difference of who forms the government in the next election? Especially for a party that campaigned on the slogan “Be Heard” — how can they justify not asking Yukoners whether they support this change before passing it through into law?

Some Hon. Member: (Inaudible)

Mr. Cathers: Well, I know that the Premier is kibitzing off-mic about Members’ Services Board, but the Premier knows very well what I said at Members’ Services Board about the proposed changes. Without compromising the confidentiality of that Committee, what I will say — as I have said before — is that the positions the Yukon Party takes in confidential committees and in public are exactly the same.

I know that the Premier thinks this is a laughing matter. He is chuckling off-mic about this, but this is a serious matter, Mr. Speaker. We are talking about the way by which people cast a ballot and the fact that — as I mentioned, which the Premier took great offence to — the Premier wouldn’t even agree to meet with the Leader of the Official Opposition to discuss these changes and our proposal that this section of the act be taken out for public consultation, at the very least, before they proceeded with it.

Again, I will just briefly quote from the specific reference of the letter that the Leader of the Official Opposition said — and I quote —

Speaker’s statement

Speaker: Order, please. Have we heard this already? Member for Lake Laberge — are you quoting a different section?

Mr. Cathers: Yes, I am quoting a different section, sir.

Speaker: Thank you. The Member for Lake Laberge, please.

Mr. Cathers: Thank you, Mr. Speaker. To quote from the letter — the Leader of the Official Opposition said — and I quote: “...however we believe that Yukoners should be consulted on it and that the consideration of such a major change to the way we vote should be within the mandate of whatever electoral process is ultimately established.” That was in direct reference to this legislation.

We know that the Liberals are very testy on this topic, but the Liberal government does not own the Yukon’s democracy — it belongs to Yukoners. This Liberal government was elected

with about 39 percent of the vote from Yukoners. That does not give them a mandate to unilaterally ram through changes — especially changes which might affect how hundreds of people vote and especially without consulting them first.

So, Mr. Speaker, this is very concerning. I know that I am being somewhat limited in what I am allowed to speak about the connection to the electoral reform process, but again, we have seen a situation where the statement on both matters that the Premier makes behind closed doors and in public are different things — that he chooses to mischaracterize discussions that occurred after the fact and then refuses to agree to waive confidentiality on matters that are in writing regarding this.

Again, regarding this legislation, we have stated — and the same principle applies to the electoral reform process — that the Yukon’s democracy belongs to all Yukoners, not just the Liberal Party. We have stated that, on this change as well as on the electoral reform process, there should be an all-party process aimed at reaching consensus on an approach to electoral reform and to any and all amendments to the *Elections Act*. Unfortunately, in this case, as the Premier knows very well, these changes do not have the support of all members because we are fundamentally opposed to this change being made without public consultation first.

Mr. Speaker, what happened to “Be Heard”? If this government will take away a voting opportunity used by 206 Yukoners in the last election without consulting with them, what else are they prepared to ram through without even hearing from Yukon citizens? It is quite unfortunate, and I know that, based on their behaviour so far, the Premier not only won’t meet to discuss our concerns with this legislation, but they will undoubtedly ram these changes through with their majority at the end of the day. That, Mr. Speaker, is a sad day for democracy.

Ms. Hanson: I am pleased to finally have an opportunity to speak to Bill No. 4, *Act to Amend the Elections Act*.

It has been a long time coming. I want to commend the Chief Electoral Officer and his small staff for their diligence in trying to impress upon all of the members of this Legislative Assembly the importance of keeping the *Elections Act* for Yukon current.

I acknowledge that there was significant work done by the previous government in modernizing the *Elections Act*, but the fact of the matter is that, in the time intervening, there has been a significant review, and there have been a number of fundamental issues found that are operationally challenging and, with respect to the Member for Lake Laberge, fundamentally archaic in the context of a modern democracy.

It is ironic — I wish I had Alanis Morissette here this afternoon, because she would be singing a chorus non-stop this afternoon.

I fail to understand how the recommended provision with respect to changing the special ballots — yes, in fact, the Chief Electoral Officer did point out that the pre-writ number was 206. But you know what, Mr. Speaker? That 206 included a number of people — I don’t know if it was all 206 — who could

have voted as of November 2015. The election occurred in November 2016. How, in any reasonable mind, would you think that was democratic? You could vote for a dog just because it happened to bear the name of the party. Is that the kind of effective representation that we're seeking to reflect in our *Elections Act*? I'm sorry, Mr. Speaker, but I do not see merit in that argument.

I saw and I heard the thoughtful presentation made by the Chief Electoral Officer about taking down the barriers to being able to use a special ballot, to cast a ballot, but in the writ period — not a year before. We don't have a clue, should the government decide to pass the four-year mark and go into the fifth year — nobody in this Chamber — maybe a few do, but certainly not on this side. We have no idea when that election will be called. It would be irresponsible for me to seek to have somebody cast a ballot for my party without looking in the context of the merits of what that candidate may bring to this Chamber on behalf of Yukoners — let alone a riding. So, Mr. Speaker, I'm really taken aback by that argument.

One of the concerns that I have — when I said at the outset that we were finally getting to this — is that the Chief Electoral Officer has made it abundantly clear to those of us privileged enough to be part of those conversations that there is significant work to be done in terms of putting together that permanent register of electors. The working with other levels of government and the working with other data sources has to commence now in order for us to have an electoral list that has integrity. All of us in this Legislative Assembly have worked with results of the enumeration process — the last, thank goodness, enumeration process that was provided in order to conduct the 2016 election. That enumeration, as we heard, can place in every single riding — about people who were missed for lots of different reasons. Our list was not complete.

Mr. Speaker, the Chief Electoral Officer, as I said, in my view, has made a number of recommendations. These are the key recommendations that we see reflected in the amendments to the *Elections Act*. There are other process changes that need to be considered to bring us into the 21st century in a full way, and we should not be assuming that there is not work to be done. I expect and anticipate that this government will be bringing forward, at the behest of the Chief Electoral Officer, additional amendments — suggestions that have been made and are being done elsewhere, such as the pre-registration of 16- and 17-year-olds happening in British Columbia, recommended by our Chief Electoral Officer. But seeing the reaction to some of these things today, that might be a bit too much for folks.

I think what we want to be doing is broadening the participation rate of all Yukoners in our democracy and in our electoral processes, but I fervently do not agree with the representation made by the Member for Lake Laberge this afternoon with respect to him, I would suggest, selectively interpreting the implications of the 206 votes that were cast perhaps up to a year prior to the last election. Yes, we know that the election results in Yukon are close — 14 votes or 7 votes. That is subject matter for another debate, a debate yet to

be held in an open forum. We are talking today about changes to the *Elections Act*.

I fully endorse the recommendations put forward through the government from the Chief Electoral Officer. They are a start. There is — as anyone who has had the opportunity to review the recommendations — the review of all of the sections of the *Elections Act* done by the Chief Electoral Officer. There is more work to come, and we should brace ourselves for it and be prepared to do it on behalf of Yukon citizens.

Speaker: If the member now speaks, he will close debate on second reading of Bill No. 4.

Does any other member wish to be heard?

Hon. Mr. Silver: I do want to thank the members opposite for their comments with regards to the *Elections Act*. I will respond to some of the comments from the members opposite. I want to thank the Member for Whitehorse Centre for her comments. Again, they are pertinent to the amendments that are being recommended and are a recognition of the herculean effort from the electoral office — but also that we are not done.

Any modern government should always be interpreting other jurisdictions, taking a look at best practices, and making sure that our ultimate goal is that Yukoners have more opportunity to vote as opposed to less. I am very encouraged by her remarks.

With the Member for Lake Laberge, it is disheartening to see the ongoing narrative. It does make you wonder where true north is with the Yukon Party these days. The compass seems to be spinning around and around.

Some Hon. Member: (Inaudible)

Point of order

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

Mr. Cathers: I am returning the favour for the Premier. He is not speaking about the *Elections Act*.

Speaker: The Hon. Premier, on the point of order.

Hon. Mr. Silver: I will admit that it is going to be hard for me to keep my remarks to the member opposite's remarks that were pertinent to the *Elections Act*, but I will do my best to make sure that my comments are based on his requests when it comes to the *Elections Act* and the double standard therein.

Speaker's ruling

Speaker: As there is in all debate in the Legislature, there is criticism of each other's positions. That is the very nature of this Assembly and the Westminster system. I certainly heard criticism from the Member for Lake Laberge, and I'm hearing something from the Leader of the Official Opposition. Of course, there is some latitude in the vigorous debate that occurs in the Assembly. There will, of course, be the alternate narrative and perhaps even at some points pointed criticism of members — hopefully on a principle basis, but in any event, pointed criticism of members opposite.

I will certainly allow the Premier some latitude, but I trust that he will generally focus on closing debate on second reading of Bill No. 4.

Hon. Mr. Silver: Again, it is very interesting to hear the narrative from the member opposite. On the one hand, we are being criticized for having what he is considering to be closed-door meetings when it comes to Members' Services Board, which is exactly where an all-party committee got together to discuss the recommendations from the Chief Electoral Officer. Big criticisms of that being somehow a closed-door conversation among the members — but yet as opposed to wanting to debate the *Elections Act* here on the floor of the Legislative Assembly today, we heard the member opposite saying that he wants to have a closed-door meeting about this conversation on a Friday coming. It's interesting how that's kind of a double standard.

It also is interesting to note that the changes that we're debating today — they are a result of a recommendation from Members' Services Board. The Yukon Party has spoken at length this Sitting about the importance of taking direction from Members' Services Board. Today, the Yukon Party is arguing exactly the opposite — ignore the recommendations from Members' Services Board or ignore the ones that we want you to ignore — but the other ones — and saying it in a way to make it seem that Members' Services Board has a long history or — no, actually, even further than that — a policy — a policy, Mr. Speaker — of having all-party support before they're allowed to do anything.

I've been a member of Members' Services Board for eight years now. I recall many a time where that was absolutely not true — when the Yukon Party had the majority on Members' Services Board. So, it's pretty rich again that the members opposite have a very selective memory of the rules and procedures of these boards and committees from the Legislative Assembly.

It's proving to be a pattern from the Yukon Party. They're asking us to follow the recommendations when they align with their priorities and ignore the recommendations when they don't. I think that Yukoners can see through this inconsistency in the position of the Yukon Party.

I will also add the narrative that somehow the amendments today that we are discussing — that they somehow limit people's ability to vote by special ballot — that just does not wash at all. For one, compared to the federal election — you cannot vote by a special ballot in the federal election at all. No Yukoners can vote by special ballot in the federal election.

In the Yukon, now what we've done — as opposed to having parsed off individuals' special circumstances with different rules and procedures for different groups of Yukoners who may or may not be able to vote by a special ballot — which was the system in the past that the member opposite so treasures — now every Yukoner — every single Yukoner of voting age can vote by special ballot.

Again, when we mentioned the number of individuals who last time used a special ballot and that somehow they have less of an opportunity — it just doesn't wash, Mr. Speaker; it just

doesn't wash. There are more opportunities for all Yukoners to be able to register and to vote using special ballots.

So, again, this very specific narrative from the Member for Lake Laberge — I hope that his whole party doesn't agree with this narrative because, really, the one particular frayed piece that the Member for Lake Laberge keeps on talking about — about this concept of being able to register for special ballots in the last few days of an election — the reason why that is no longer an option is to prevent things like double voting — double voting, Mr. Speaker. If we can have a registration as opposed to enumeration, if we can have a system that allows more opportunities for special ballot, but yet help the electoral office and the returning officers across Yukon — I can only imagine the stress on the returning officers who know the importance of their jobs. I know these returning officers — they take these jobs very seriously. It is about their ability to maintain the credibility of elections, and the Chief Electoral Officer has identified a system that really does not help — a system that, in the past, could promote double voting in certain jurisdictions. The member opposite wants us to keep that. The member opposite wants us to keep that piece, as opposed to maintaining the sanctity of the list, as opposed to having a registered voting system that works to increase the ability for special ballots. Again, I don't agree with the tack from the members opposite — sorry, the Yukon Party opposite.

So, again, I think that this is a very progressive bill. It identifies where we are, where we need to move forward. Is it perfect? No. Do we have places to go? We do — we absolutely do — and I am extremely encouraged by Mr. Harvey — the Chief Electoral Officer — and his team in providing substantive changes to the Legislative Assembly that help protect the sanctity of the voting process and that helps add thousands of people to a list so that we are more consistent with the federal lists — again, more opportunities to seek out people who have the opportunity to vote, who may not be registered — not less, as the member opposite would have you believe — that increases the ability of Yukoners to vote by special ballot — not less, like the member opposite would have you believe. Again, I believe, on this side of the House, that these changes are progressive and they add opportunities for Yukoners.

Speaker: Are you prepared for the question?

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Mr. Pillai: Agree.

Hon. Ms. Dendys: Agree.

Hon. Ms. Frost: Agree.

Mr. Gallina: Agree.

Mr. Adel: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Hassard: Disagree.

Mr. Kent: Disagree.

Ms. Van Bibber: Disagree.

Mr. Cathers: Disagree.

Ms. McLeod: Disagree.

Mr. Istchenko: Disagree.

Ms. White: Agree.

Ms. Hanson: Agree.

Clerk: Mr. Speaker, the results are 11 yea, 6 nay.

Speaker: The yeas have it. I declare the motion carried.
Motion for second reading of Bill No. 4 agreed to

Hon. Mr. Streicker: 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 Acting 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 now before the Committee is clause-by-clause debate on Bill No. 5, entitled *Liquor Act*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 5: *Liquor Act* — continued

Chair: The matter before the Committee is clause-by-clause debate on Bill No. 5, entitled *Liquor Act*. Resuming debate on clause 57, Ms. White has 19 minutes, 50 seconds.

On Clause 57 — continued

Ms. White: In conversation with both my colleague for Whitehorse Centre and my colleague for Mount Lorne-Southern Lakes, there are a number of topics that we want to discuss today. As we get closer to those things, one of my roles of support will be to help us get to those specific topics of conversation.

Mr. Chair, if the minister just wants to tell us a bit about clause 57, that would be fantastic.

Hon. Mr. Streicker: Again, I'm sure all of us in the Legislature welcome back colleagues — from the Legislative Counsel office, Ms. Markman, and from the Yukon Liquor Corporation, Ms. Groenewegen.

Under clause 57, the things that I was pointing out earlier were that: (1) we should always remember that, under the act, RCMP are also inspectors — so when we read the word

“inspector”, we have to think of it more broadly than just the Yukon Liquor Corporation inspectors; and (2) we wanted to make sure that it isn't just on the licensed premises, because sometimes it depends on where liquor is stored, et cetera — so we have broadened where those inspectors can go to carry out their duties. Those were things I wanted to draw people's attention to under clause 57.

Clause 57 agreed to

On Clause 58

Clause 58 agreed to

On Clause 59

Ms. Hanson: I have a question with respect to 59(1) and (2), so clarity in terms of the language — it's kind of ambiguous when we say that the “... licensee is likely to remedy the matter...” I am curious as to how that is ascertained. Then in (2)(a), it says “... the board may, by order, extend the initial period of suspension for any period...” How many times may the board extend for any period the period of suspension?

Hon. Mr. Streicker: There are certain issues which may arise which may be dealt with in a timely fashion. They might be things like the capacity of an establishment — not meaning what the capacity is, but rather that the establishment is over-capacity. There are some things that can be remedied quickly and so this is why it is up to the discretion of the inspector. The period is not to exceed 14 days, but if there is something, for example, which, under section 59(1)(b), is able to be remedied, then it is possible that the inspector could say, “Okay, you're suspended until this time,” and then the inspector can come back and check to make sure that the issue has been resolved and that therefore the suspension can be lifted — so I think that is the anticipation.

Clause 59 agreed to

On Clause 60

Ms. Hanson: So, it says in clause 60(1), “A judge of the Territorial Court or justice who convicts a licensee of an offence under this Act may, in addition to any other penalty, recommend to the board a suspension or cancellation of, or a variation of the conditions of, a licence held by the licensee.” Then I look down to 60(3): “After hearing the matter, the board must

“(a) if satisfied that there is good reason to suspend or cancel the licence... do so; or

“(b) otherwise, inform the licensee that the recommendation of the judge or justice will not be followed.”

I guess I am seeking clarification as to what authority a liquor board has to say to a territorial court judge, “Too bad, so sad. I don't like your ruling.” Does this set up a conflict between the board and a judge of the territorial court? What is the purpose of the court process in the first place if the board can simply say no?

Hon. Mr. Streicker: I think, Mr. Chair, to be fair — the judge, when he hears the case, has the ability to charge the licensee with an offense, and there can be a fine, there could be imprisonment, and there could be things like that. But when it comes to the licensing of the premises, what the judge will be doing is making a recommendation to the board in recognition of the expertise of the board around licensing.

My interpretation is that the board will consider those recommendations very seriously from the judge, but that what we are doing is putting the final authority in the correct place when it comes to the licence, and the decisions around the licence go to the board with a recommendation from the judge. When it comes to other offences that the judge deems, those are the decision of the judge.

Ms. Hanson: My question is: Why would we involve the territorial court? Why wouldn't we have an arbitration process or some other dispute resolution process? It makes no sense to occupy the court's time and then say that we are not going to follow it.

Hon. Mr. Streicker: Mr. Chair, let's imagine that there is an issue that has come before the court and the court decides that there is wrongdoing or something incorrect. The judge makes a decision — for example, a conviction under that ruling. That might include fines and it might include time served. In addition to whatever the judge has ruled under that, the judge may also make a recommendation for additional sanctions by the board on the licensee regarding their licence. Again, the jurisdiction of the licences is with the board, but the board will hear the recommendation that comes from the judge.

Ms. Hanson: I understand that. Perhaps the minister didn't hear my question. I asked: Why was the decision taken in this legislation to use the territorial court as opposed to other dispute resolutions processes such as arbitration?

Hon. Mr. Streicker: We might be talking about two different things. I will just try to check to make sure that we have a common understanding about what we're discussing.

In this section here — there has been a potential criminal offence, and that has gone to a court — all right. Now, if there is a different situation where there has been a suspension of a licence and the board has heard from a licensee and this goes on to a judicial review — that is not what's being discussed here in this section. Let's say that there is an example where there has been a suspension of a licence, and the licensee decides to go and talk to the board and say that they wish to appeal that suspension. The board considers it, and the board takes a decision. Let's say that the board upholds that suspension.

If the board erred in some way, then there is the ability — not under this act, but under general law — for them to take that decision of the board for a judicial review. That is not what is being discussed under clause 60. What is being discussed is that, if there was already a licensee who was under some sort of criminal charge and the judge held them responsible, fined them, and/or imposed a prison term, the judge could also, in addition, pass a recommendation to the licensing board.

Ms. Hanson: Then, in that case, the board is required to — with that decision or the notice — put it in writing. How long is it maintained on the website, and is it subject to appeal?

Hon. Mr. Streicker: Mr. Chair, if I could just ask for clarification. I gave two examples — if the member opposite could just clarify for me which one we are discussing.

Ms. Hanson: I am speaking to clause 4.

Hon. Mr. Streicker: I don't have this information with me today. It is an excellent question. I will endeavour to get a response for the member opposite.

Clause 60 agreed to

On Clause 61

Clause 61 agreed to

On Clause 62

Ms. Hanson: We have spoken about this matter a number of times, but I would like to have it on the record. I am looking at clause 62(4)(a).

It says here, "... liquor may not be sold or served between the hours of 2:00 a.m. and 9:00 a.m. on a day within the permit period..." I guess I am seeking clarity as to how it was determined that liquor should be available between those hours — other than 2:00 a.m. to 9:00 a.m. Between 9:00 a.m. and 2:00 a.m., you can sell. How did we go to that extent in this jurisdiction, which is not the same as other jurisdictions?

Hon. Mr. Streicker: I hesitated in responding to the question, because I think that this really goes back — probably pre-dates me and even this engagement. The notion of the hours of the permit as listed here — they are listing the range of possibilities — certainly not the requirement that they go to those hours.

If I understood the question from the Member for Whitehorse Centre, it was: How did we arrive at those hours? First of all, to begin with, they have previously been the hours in the previous act, as I understand it. When we entered into dialogue with, for example, the liquor advisory group and talked about certain things such as hours — pertaining not just to permits, but also to licenses and particularly to offsales — there was a discussion that you could, in this case with permits, seek a different set of hours, because the president will consider the situation and consider again, for example, all of the social responsibility as we outlined previously.

This is the range of hours.

Finally, it is also possible that, under regulation, it could be restricted to less hours than this. I'm not sure that I have a good response to the member opposite about exactly how this came about originally. I think that, having been where it was, the conversation didn't go to restricting the range of possible hours but rather came down to how we would ensure that public safety was also considered on those cases as they come in front of the president.

Ms. White: Just in going back to the exact same question about that — so, my question is: What are the hours that cannabis is allowed to be sold? I would just like to use that as a foil. The question to the minister is: What are the hours that cannabis is allowed to be sold?

Hon. Mr. Streicker: First of all, we don't have any permits under cannabis as of yet. Someday, they will come. So, let's differentiate between licences and permits. Here, we're talking about permits.

I will also say, Mr. Chair — and I'll have to check that legislation. I will look it up to be sure. I think what we said was 9:00 to 2:00, but I will check. The other thing that I will say under cannabis — we also allowed for, for example, if a

municipality wished to reduce those numbers of hours, we would respect that.

Ms. White: I mean, I appreciate the response from the minister and I apologize that I do not have any electronic device, or I would have checked for the answer before I asked the question.

The reason why I'm bringing that up is that this is new — this is new, revised legislation. So, when we talk about social responsibility and we talk about our roles as legislators and our roles of setting these established times, it seems to me that this was an opportunity to say that, actually, selling liquor at 9:00 in the morning in the Yukon is not an acceptable or socially responsible act.

I just want to know if there was conversation about shortening those hours — that it wasn't from 9:00 a.m. until 2:00 a.m. Was there a discussion on shortening those hours, as far as Yukon's responsibility to social responsibility in the territory?

Hon. Mr. Streicker: Permits have quite a wide range of possibilities, but let me take an example: a wedding. That wedding often — not always, but sometimes — goes late. So, there are some permits that go to 2:00 a.m. now under the existing act, and I anticipate that there would be some in the future.

When we were talking about social responsibility in the engagement and with the advisory group, the conversation flowed more over to licensees and to offsales in particular. That's really where that conversation went. I respect that there may well be times when permits should fall under that conversation as well. I think that the legislation here, as drafted, has that ability for the president who is issuing those permits to take into consideration social responsibility and the conditions that we're talking about, although it also allows, for example, for those permits to go to 2:00 a.m. when there might not be those same concerns being raised.

Those are very subjective calls — I understand that — from the questions from the member opposite — but what I'm saying here is that we had a very healthy discussion around hours and social responsibility; however, my recollection was that, in engaging with the public and engaging with the advisory group, I didn't hear that same focus on permits.

Ms. White: What I realize is that I have missed the opportunity to have that conversation where it existed in the legislation for licensees and offsales. If the minister could just tell me what number that was — just so I can take a look.

Hon. Mr. Streicker: So this is under clause 30, "Conditions of off-premises licence", and if we look under subsection (g): "... liquor may be sold at the licensed premises only during the prescribed hours of operation".

Again, what we discussed here on the floor of the Legislature on debate of this topic was that this is one of those areas where we have had significant conversation with the advisory group, and I began to have that conversation with licensees as well about what those hours could look like through regulation.

Ms. White: I thank the minister for that. Again, it was a missed opportunity, but I think this is one — you know, even

though I missed it the first time — I am still going to highlight that I think it is worth having a conversation as we move forward and that, when we are talking offsales establishments, it is essentially longer than the Yukon Liquor Corporation's ability to sell liquor. I will just leave that on the floor and I hope, in future, that we have this broader conversation about offsales and social responsibility.

Chair: Is there any further debate on clause 62?

Clause 62 agreed to

Ms. White: Pursuant to Standing Order 14.3, I request unanimous consent in Committee of the Whole to deem clauses 63 through 79 read and agreed to.

Unanimous consent re deeming of clauses 63 through 79 read and agreed to

Chair: Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 63 through 79 read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

*Clauses 63 through 79 deemed read and agreed to
On Clause 80*

Hon. Mr. Streicker: I will just talk about this general section from clauses 80 through 86 or 89 or so. This is where we're talking about control of alcohol in the territory, ranging from production to consumption to alcohol in vehicles to possession to minors purchasing. In all of these is the suite of how we maintain control of this as an intoxicating substance. I will try to talk about a couple of these as we move through them, but I'm just pointing out for us that this is the place where we discuss that control.

Clause 80 agreed to

On Clause 81

Ms. Hanson: I have a question with respect to clause 81(4)(b). It says that the holder can sell or serve liquor if they comply with the following: "the individual to whom the liquor is sold or served is not an individual whom the liquor corporation, the licensee or the permit holder believes on reasonable grounds is intoxicated". We spent a fair amount of time talking about 26(1)(ii) that said that, despite all that, if the licensee believes on reasonable grounds that the individual is intoxicated and the intoxication has created or contributed to a risk to the individual's health or safety that can be mitigated if they are permitted to stay, they can remain in the premises. It seems to me that you have two contrary sets of rules — so, what plays?

Hon. Mr. Streicker: The difference here is between selling to a person who is intoxicated — in other words, serving alcohol to a person who is intoxicated — and allowing that person who is intoxicated to be able to stay and sober up, especially if, for example, it is cold outside or something like that.

What we're saying here is that you cannot serve a person who you believe to be intoxicated, but if there is a person who is intoxicated, we are also saying that you do not have to ask them to leave the premises if what they are doing is reasonably

trying to sober up and it would be not a good thing for them to leave at that point for their health or wellness. That is the difference, and I look forward to further discussion.

Ms. Hanson: Thank you to the minister for that clarification.

We look to 81(5)(a), and it says, “take adequate measures to reduce the risk of liquor that they possess for commercial purposes...” — being acquired by someone else or diverted. My question is the use of the term “adequate”. We are trying to be clear and not ambiguous. The term “adequate” has a long history of causing debate and issues, so why would we use the word “adequate” here?

Hon. Mr. Streicker: Mr. Chair, we don’t want alcohol being diverted to the black market; neither do we want the black market to be diverting into our licensed establishments. It can happen both ways, and we want neither.

I hear the member opposite’s concern with the word “adequate”. However, it is a results-based question. Conditions may be different in different situations. For example, do we say that you must have this many locks or that it is in this way out of sight? The challenge will be that every situation is slightly different. What we want is that the licensee is working to ensure that the liquor in their possession is not entering into or exchanging with the black market.

It is possible for us to set regulations that are prescriptive here if we see them, but we also want it to state very clearly that it is the job of the licensee to ensure that there is no exchange with the black market. The term here is meant to be sufficient, satisfactory, or suitable.

I will reference us back to 26(i) as well. Mr. Chair, it is under the conditions of the licences that they have to take these adequate measures to reduce the risk that they possess. It’s reflecting back to that earlier clause saying that the licensee has this obligation to make sure that the black market is not coming or going in their establishment.

Clause 81 agreed to

On Clause 82

Ms. White: Can we just give the minister a second? Maybe we can go back to clause 81 — he has highlighted that he has questions —

Some Hon. Member: (Inaudible)

Ms. White: 83. Never mind, Mr. Chair. We are on track.

Clause 82 agreed to

On Clause 83

Hon. Mr. Streicker: This clause is about protecting minors — it is an important clause. Throughout the act, you will see language — and I will today try to use plain language — just saying that parents or guardians have a responsibility. Now, I know that, under the act, we don’t use that language anymore, just like we don’t use the word “offsales” — but just for clarity’s sake, that is what we are discussing here.

Again, because we have moved to a prohibitive act, we generally say that it is prohibited and then you list off exceptions where you are going to allow some exception — for example, if there are medical reasons or if there were religious reasons. These are exceptions to the protection of minors, but generally, throughout the act — and in particular, here — we

have explicitly stated that minors shouldn’t have access to alcohol.

Clause 83 agreed to

On Clause 84

Clause 84 agreed to

On Clause 85

Clause 85 agreed to

On Clause 86

Clause 86 agreed to

On Clause 87

Ms. Hanson: Mr. Chair, I am quite frankly kind of surprised at the clauses that follow here. I just want to raise a couple of questions with the minister with respect to how — because there are slight nuances in the language used — but, quite frankly, what we are seeing is the tracking of the old language into the new act.

I’m sure that the minister is mindful of the circumstances that led to the previous government establishing a task force on acutely intoxicated persons at risk after Raymond Silverfox, who was acutely intoxicated, died in police custody. So, the task force, which was led by Dr. Bruce Beaton and Chief James Allen, was charged with addressing the issues that arose from Raymond Silverfox’s detention and death.

I will say at the outset that the key recommendations were rejected by the previous government. One of the key recommendations was that an acutely intoxicated person not be brought into the criminal justice system and that they not be put into an arrest processing unit as part of the Whitehorse Correctional Centre. The very same day that the arrest processing unit was announced, which was contrary to what was recommended, the Task Force on Acutely Intoxicated Persons at Risk also gave their report. It was a stark contrast.

I just point out that they recommended “... that we should rewrite...” — I’m quoting here — “... the aged legislation that authorizes non-criminal detention for intoxication to bring it more in concordance with current social mores and accepted human rights. The new legislation should be more precise with respect to reasons for detention and the parameters under which that detention ceases.”

They talked about models other than using detention — as in jail — or an arrest processing unit, which is the jail. So, I am unclear as to — and I’ll just make a couple of quotes here, and then you can see the differences in nuance between what’s being proposed under this legislation and what the current legislation says.

I’m quoting here — this is from page 7 of that report: “The current model used to manage an acutely intoxicated person at risk functions entirely within the domain of law enforcement. This model has changed little, if at all, since the first days of Western societal incursion into the Yukon wilderness near the time of the Klondike gold rush. It is no longer acceptable simply to detain the intoxicated person. Today we expect that any and all agencies, once they accept responsibility for a person, will provide appropriate care, including a modicum of medical care, in an environment of respect and compassion.”

“Our current *Yukon Liquor Act*...” — this is the act that we’re supposedly replacing — “... states in Section 92(1) the following:

“If a peace officer has reasonable and probable grounds to believe and does believe that a...” — person — “... is in an intoxicated condition in a public place, the peace officer may... take the person into custody...’ until ‘...the person in custody has recovered sufficient capacity that, if released, they are unlikely to cause injury to themselves or be a danger, nuisance or disturbance to others...”

They went on to say, Mr. Chair, that: “While we fully acknowledge that we are not lawyers...” — this is former Chief James Allen and Dr. Bruce Beaton — “... and do not...” — pretend — “... to be able to give a legal opinion, the *Yukon Liquor Act* appears to say that the sole reason for which a person can be detained is being intoxicated in a public place. Furthermore the endpoint of...” — a — “... person’s detention can include decisions about no longer being a nuisance or a disturbance to others. These parameters reflect neither the social norms nor the human rights standards of today.”

Mr. Chair, I read the provisions that are set out under the section here that deals with an intoxicated individual in a public place, et cetera — that’s what the heading says — and I’m not sure how this complies with what we would expect in 2019, nine years later. It’s actually almost nine years to the day later since that report was tabled publicly by Dr. Beaton and Chief Allen. They had recommended: “New legislation should be written to supersede sections 91 and 92...” — so we have different numbering — “... of the current *Yukon Liquor Act* to define more precisely under what circumstances an acutely intoxicated person can be detained, what services will be provided to the detained person and what conditions must be met to cease the detention. This legislation should be consistent with current human rights standards and should allow for necessary and appropriate basic medical care while under detention.”

I’ll be looking to hear from the minister on how this section — “Acutely intoxicated individual in public place, etc.” — responds to this report — which was hotly debated at the time, and it lingers with us to this day — because of going around and subverting the issues that they identified. They were not easy issues. They weren’t easy nine years ago; they’re certainly not easy today.

Hon. Mr. Streicker: I thank the member opposite for the question. It is an important question.

We, of course, worked through the Beaton report and considered it. It came up in conversation as well, so let me start with that. The first thing I want to say is that we’re not talking here — if someone is intoxicated and likely to cause injury or is a danger to themselves, in those situations, it is not a charge. In other words, what is here under this proposed bill is a diversion, not an arrest. That is the first thing. We are not trying to invoke the full justice system here.

The second thing is that there is discretion that is given to the RCMP — for example, to take the person home, turn them over to a responsible sober person, or take them for medical care. There is that discretion. Another difference with the bill

in front of us versus the existing act is that we are saying that it is as long as needed, meaning that, as soon as the person is sober, they are allowed to go, because they are no longer under that — for example, 88(2)(a) says, “... the individual has recovered sufficient capacity that, if released, the individual is unlikely to cause injury to themselves or others, or to be a danger or disturbance to others...” We have dropped the notion of “nuisance”. It is that there is a risk and that risk is resolved. As soon as that risk is resolved, they are free to go.

The other question that I think is important here — and we continue to work with the departments of Justice and Health and Social Services on how the systems will work to catch people when they are in this situation. It’s not through the *Liquor Act* where we talk about support services for people who are intoxicated.

Again, I will just read the important differences here — at risk of causing injury, a danger, or disturbance — whereas the fuller definition of “intoxication” includes, for example, a broader definition.

Finally, my understanding is that the RCMP and correctional staff use a chart — a national standard — to determine these things. That is not here in the act itself, but that is how things have changed within the system when dealing with people who have a potential to be harmful to themselves or others.

Ms. Hanson: With respect, though, the minister just quoted back the current *Liquor Act* when he talked about the person — when they are “...likely to cause injury to themselves or be a... nuisance...” He used that language. That’s not a difference in the reality of what we’re talking about here.

The reality about taking somebody into the arrest processing unit or into police custody — basically we said, “You’re a criminal.”

Dr. Beaton was kind of interesting, and Chief Allen — I’m just going to put this on the record because it really brings into stark reality the challenge that we’re facing. They had a number of key sections in their report. On page 5, he talks about attitude.

I’m quoting here: “Many, if not most, members of society generally seem to have a bipolar attitude towards intoxicant use. It is generally condoned and frequently even encouraged. It, especially alcohol, is an almost necessary component of all social interaction. It can be a marker of social position, as exemplified by the presentation of expensive single malt Scotch whiskies and boutique wines. In some circles sharing of cocaine and other drugs is a sign of financial achievement and success. But let a person become dependent on or under the control of intoxicants and the attitude begins to change. It changes even further if an individual’s dependency becomes blatantly obvious to others. This attitude grows into one of contempt if the dependency crosses into addiction with loss of personal self-respect and social appropriateness and becomes even more disrespectful as the affected individual descends toward the bottom of the scale of social status.”

Mr. Chair, the task force, in their findings — and this is what they said in their report in 2010: “Many, and most

probably most, of the individuals who are detained under the *Yukon Liquor Act...* — and I would be interested to get the stats in 2019 — “are chronic alcoholics and drug addicted persons who access their intoxicant of choice where it is most easily accessible, which is generally within the confines of the downtown area of Whitehorse.”

What they are saying is that we are criminalizing people who are at their lowest ebb without offering an alternative. Simply letting somebody go from the APU and saying, “Find your way back downtown if you’re lucky” — it wasn’t determined in 2010 to be best practice. Other than the “or”, which is — 2(b) — if you can find somebody else who is going to come and pick you up, which is great, but that’s not addressing the fundamental issues that Dr. Beaton and James Allen did with respect to providing — and also in determining who is making the assessment if somebody is medically fit to be released at 20 below in the middle of the night with no other alternative than to take a taxi downtown.

Hon. Mr. Streicker: I just want to acknowledge the report, which, in my time, I have referred to as the “Beaton report”. I also see this as a difficult issue to resolve. I don’t think of it as a simple question — how we try to help people. I think we are trying to think of many people at this moment — those people who might have an addiction and all of society at the same time. How do we help them in these moments? How do we try to ensure safety in these moments?

First of all, the bill presented here mirrors the cannabis act. We say “intoxication” under the cannabis act — it doesn’t matter how you are intoxicated — whether it is with cannabis or alcohol or some illicit drug — it is intoxication. That is true here as well. What I will point out is that we had the same debate when we went through the *Cannabis Control and Regulation Act*, and we are having it again today. I will say, on my side of the table, that I have had this conversation then and now. I am not sure whether we had it here in the Legislature or not — apologies.

The second thing that I want to say is that I appreciate that, for people who are being taken by the RCMP because they are intoxicated and because they represent a risk to themselves or others in terms of injury, there is no criminal charge here. There are no prints.

The purpose is to ensure safety, and I don’t want to say that doesn’t mean — or how those individuals perceive it I’m sure is quite different from what we’re discussing here today — but I am stating very plainly that is not the intent of the act.

There have been all sorts of things which are different today since the Beaton report was conducted. For example, today we have an emergency shelter downtown. The Beaton report was describing downtown Whitehorse, and yet here in downtown Whitehorse we also have a facility that will provide care for those people. That is at the discretion of the RCMP or those who are dealing with folks who are intoxicated. There are differences. My understanding is that correctional staff do receive medical training relative to handling people.

I want to be careful. My role here as the Minister responsible for the Yukon Liquor Corporation is not where the focus of this programming lies. It will be the Minister of Health

and Social Services in her work around care and harm reduction, as well as the Minister of Justice. I think that here in the act we have made changes to it where we’re trying to work from the perspective of safety and social responsibility, and social responsibility always will be a balancing act.

I look forward to further back and forth on this topic.

Clause 87 agreed to

On Clause 88

Ms. White: Mr. Chair, I do appreciate that we veered a bit and 87 and 88 kind of got mashed together.

One of the things that the minister has just said when he talked about intoxicated individuals — he has used the terminology “risk to themselves or others in terms of injury”. He has mentioned that a couple times. The reason why I want to highlight it is because this is what clause 88(1) says: “A peace officer who believes on reasonable grounds that an individual is intoxicated in a public place may, instead of charging that individual with an offence under section 91...” — so it doesn’t say anything here about that intoxicated person being a risk to themselves or others in terms of injury.

I think one of the things that my colleague for Whitehorse Centre was trying to expand on is that there isn’t a definition of the reasons for picking up someone who is intoxicated. The minister has said, “risk to themselves or others in terms of injury”, like that was part of the clause, but what the clause says is: “... an individual is intoxicated in a public place may...” It doesn’t talk about that description of what that intoxication is — or that risk to themselves or others.

I would just like to highlight that and maybe ask, if that is the understanding by the minister, why that kind of language or those descriptors weren’t used in the act.

Hon. Mr. Streicker: If we could just read just below that, under 88(2)(a), what it says is that if that person “... is unlikely to cause injury to himself or others, or to be a danger or disturbance to others...” — they need to be released. I think the inference there is that — or it might have — when they are intoxicated, yes, the definition says “nuisance”, and I suppose I am splitting hairs, but as soon as they are no longer any of those things that I have just read out: “... unlikely to cause injury to himself or others, or... a danger or disturbance...” — then they can’t be held.

If I can just beg your indulgence, Mr. Chair, I will just respond to an earlier question about who assesses what the reasonable grounds are for whether someone is intoxicated. Who does the assessment in the first instance? It is the RCMP officer who detains. Then, if they are going to the arrest processing unit, it would be Corrections. It is whichever professional organization where they are at. So, if it is the Whitehorse Emergency Shelter, it is there. If it is the arrest processing unit, it is the folks at Corrections. If it is the RCMP, it would be them — on detention or observation about whether they had — as under 88(2)(a) — recovered sufficiently.

Ms. White: I thank the minister for that answer.

I am the MLA for Takhini-Kopper King. The Whitehorse Correctional Centre is in my riding. I also have lots of folks around me who do lots of different things and we have lots of conversations. Clause 88(2) says, “The individual must be

released from police custody as soon as the individual who is responsible for their being in police custody believes on reasonable grounds...” — and then it goes through it.

I can say anecdotally that releasing people in the wintertime at 3:00 or 4:00 in the morning when there is no access to public transportation is punitive. So, yes, they may have reached a level of sobriety where they meet the other requirements under the act, but when we look at releasing people from a facility where there is no public transportation, where there’s no proximity to any building, shelter, emergency shelter, or anything like that, it would strike me that we need to take that into consideration. I realize that this is not the minister under this act and that this would fall under Justice and probably the *Corrections Act, 2009*, but it is important to note that there should not be a punitive factor in being released from custody when there is no public transportation. There is not an opportunity to get on a bus. The only way you could get out of the area is if you have the funds for a taxi or someone could pick you up.

I just want to highlight that I appreciate the language that we need to let someone go when we can, but I believe fundamentally that we should not punish them when we let them go. We need to make sure that they have access to those things. I am just going to highlight that, because I have had lots of stories told about being released at 4:00 in the morning and having no options.

Hon. Mr. Streicker: Mr. Chair, I thank the member opposite for her suggestions. I will say that I will have that conversation with the Minister of Justice directly about this question and follow up. Again, it’s out of my sphere directly, but I am happy to have that conversation.

What I note is that, similarly, under the act, when we were talking about if someone was at a licensed establishment and they were intoxicated but doing no harm to anyone, we wouldn’t require the licensee to evict them, because we thought we should try to make sure that we are being reasonable and dealing with common sense and considering their safety.

So, I appreciate the question, or the comment, made by the Member for Takhini-Kopper King.

What I will do is try to follow up with the Minister of Justice to see how this is dealt with, and to try to get some information back for members of the Legislature — but I appreciate the comments.

Clause 88 agreed to

On Clause 89

Ms. Hanson: I have questions with respect to section 89(4). I question the use of the language in section 89(4)(a)(i) — to contrast that language with section 89(4)(b). On one hand, you’re referring to a municipality bylaw, and then in the first instance, you’re referring to a resolution of the general assembly of a Yukon First Nation. I question that in the context of the self-government agreement.

For example, if I look at the Carcross/Tagish First Nation agreement — “... shall have the power to enact laws of a local or private nature on Settlement Land in relation to the following matters:

“... control or prohibition of the transport, sale, exchange, manufacture, supply, possession or consumption of intoxicants...”

I’m just curious as to why we would use a resolution, as opposed to a law, in terms of replacing — if you’re replacing — you know, you’re respecting the bylaw-making power of a municipality, a law-making power of a government. I’m wondering how that fits — so, first of all, the jurisdiction it’s held by — I understand that, unless and to the extent that a First Nation law replaces a territorial law — but that’s not what I see here.

It has to do with the consistency of language. We have seen this in past legislative amendments where we have had the use of language and we had thought that there would be a tracking of language that would be more consistent with the self-government agreements so that we weren’t making — when I read that, my first reaction is that it sounds like a band council resolution. I’m sure that’s not what was intended, but I’m open to having that clarified.

Hon. Mr. Streicker: First of all, we were trying to be parallel or to mirror. Where it is the traditional territory of the First Nation, but it is not their — where it is their direct jurisdiction, they have all the authority to pass laws and bylaws as they wish and deem — where it was broader and it was in places where we, as a government, have jurisdiction, but we respect that there is a perspective and an interest of the First Nation and wanting to listen to the local government for their concerns and issues.

The thing we were trying to balance out was that, under the *Municipal Act*, there is a requirement for engaging with the public broadly. That engagement with the public is under the *Municipal Act*, and it’s required, whereas, in the case that I was discussing — where it is the traditional territory of the First Nation, but not their direct jurisdiction, but they’re asking — for example — me, as a minister, to put in place a prohibition or to remove a prohibition or some other choice here — that we’re just trying, in all cases, to make sure that there would be an engagement with the community broadly.

That’s the difference that we were seeking here.

My colleagues are setting me correct. It’s not about traditional territory; it is about settlement land, but it is also, in the instance where I’m being asked, as the minister — or the Minister responsible for the Yukon Liquor Corporation is being asked to bring in, for example, some difference from the act as it stands — the choices are that the First Nation could draw down those powers and enact them through their own laws, as I was saying. But if they’re asking me to do it, we just want to make sure that there is an engagement with the public.

Previously, under the existing act, for example, there was a plebiscite. We just didn’t want to lose that opportunity for there being some engagement of the public. When we looked at the *Municipal Act*, we said, “Okay, there it is. It’s already there.”

Ms. Hanson: So, to be clear, then, the minister is not speaking about the provisions under section 13.5.4. He’s talking about simply where you’re looking to get — so a

municipality has to pass a bylaw to have any changes to a ministerial order, but a First Nation passes a resolution.

Hon. Mr. Streicker: I will acknowledge that, when we were trying to draft this, we had a lot of conversation about it. It was complicated. I will try to talk from a high level and then try to talk about the specifics to make sure that everyone here in the Legislature understands what we're intending with this and what we think it says.

We wanted the ability to allow for prohibitions if the community decided it wanted a prohibition. But the concept of community is complex in the territory. For example, we have municipalities, we have First Nations — self-governing First Nations and others — and we have other lands that are, I guess, our responsibility broadly. But we wanted in all instances to try to make sure that we were allowing for the community to engage around that decision around that prohibition.

So that's why we got there with this. For example, the *Municipal Act* says that, if they're going to pass a bylaw, they're required to have this public consultation. It was why we asked for the two-step process with First Nations — that it would be a resolution from the First Nation themselves — the council — and then going from a general assembly. That's the part where we're trying to seek the engagement of the citizens broadly.

Of course, we also recognize that it is their ability to draw down this legislation — the legislative power and then to pass their rules how they see to pass them. If we look under 89(4)(c), that's where the last group is where it's neither a municipality nor a First Nation settlement land — in which case, there still is a possibility to do this but that we would require the minister to engage with the citizens of that area wherever that prohibition would be proposed.

Ms. Hanson: I do apologize. We rarely do this, but I just have an appointment I have to go to — but I wanted to make a comment that I would prefer to say that we're recognizing that the First Nations have the law-making authority to prohibit under the recognized law-making authorities. They don't have to draw anything down. They do have to if they are going to do it in our jurisdiction. That's why I asked the question about 13.5.4.

When we look at the — when I said 13.3.14 — the First Nation "... shall have the power to enact laws of a local or private nature on Settlement Land in relation to the following matters... control or prohibition of... intoxicants". So that's their law-making authority. If they do try to do that, then we would expect them to consult to the extent that it may have an impact on Yukon — the exercise of that authority.

I think that everyone would like to see some general conversation, but I struggle at times when we try to capture this in language that is so broad that it may negate recognition that there was a heck of a lot of time and energy put into that whole section 13 part. First Nations struggled hard to make sure that it was not just a reflection of the *Indian Act*, but that they are provincial-like powers. They have those powers — how they exercise them will be up to them. To the extent that they interfere or interact — that is why we have those sections and the laws of general application.

Hon. Mr. Streicker: I will just add one more comment, Mr. Chair. I also want to note that this isn't just about establishing prohibitions. It is also about removing prohibitions. We did make the attempt to think about these issues. I respect the question because I think it was part of our conversation. We were also trying to see how to respect the final agreement and how to work within it. We did request our aboriginal law group to have a look at it and make recommendations to us. There was some very healthy discussion about it. I appreciate the questions from the member opposite.

Clause 89 agreed to

On Clause 90

Clause 90 agreed to

On Clause 91

Clause 91 agreed to

On Clause 92

Ms. White: Recently, I was at a public presentation. It was actually talking about highways and traffic infractions. The thing that the RCMP said that I thought was really important is that the uppermost penalty for a certain "no real consequence" crime was a year in prison. He said that it was not that anyone would ever get the year in prison, but it was important that you made sure that it would count and that it would stick. He was using the comparison under the *Motor Vehicles Act* that the traffic infringements — the costs were so minor that there wasn't the ability to actually make it count. What I appreciate in section 92, which is "Penalty", is that we have amounts of \$250,000; \$100,000; \$50,000; and \$10,000. Well, Mr. Chair, that would stick.

Well, Mr. Chair, that would stick. That would count a bit. So, what I do appreciate under section 92, which is "Penalty", is that we have broadened out the ability to issue a financial penalty that will then really count for the person who has to pay it. I just want to highlight that I totally understand that the likelihood of us charging someone \$250,000 for an infraction is slim, but we could, and therefore, hopefully people will not make infractions. I just wanted to say that I appreciated that we were going to do what the RCMP officer suggested, which was expanding it to make sure that it was really impactful.

Clause 92 agreed to

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 93 through 100 read and agreed to.

Unanimous consent re deeming clauses 93 through 100 read and agreed to

Chair: Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 93 through 100 read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 93 to 100 deemed read and agreed to

On Clause 101

Hon. Mr. Streicker: Mr. Chair, if you could just give me a minute, please, to consult with my colleagues.

Mr. Chair, there were questions previously from the Member for Kluane. He was asking about — say, for example, the RCMP had seized some alcohol, some liquor — what they would do with it. I just want to emphasize here that we want to set the act up so that it defaults to reporting and that information is exchanged, but that we are going to, by regulation, try to make this reasonable. If, for example, it is a modest amount of alcohol and you are just confiscating that small amount of alcohol, we are not expecting that it gets returned. Even the report is not critical.

What we are trying to do, though, is make sure that, if the amount is significant and if, for example, this is leading to some sort of charge, we will make sure that the alcohol is kept as evidence, working with the Yukon Liquor Corporation so that we can track this information. I just wanted to emphasize that point, because I think that the Member for Kluane had made some comments that we didn't want to burden our RCMP and liquor inspectors.

Clause 101 agreed to

On Clause 102

Clause 102 agreed to

On Clause 103

Clause 103 agreed to

On Clause 104

Clause 104 agreed to

On Clause 105

Clause 105 agreed to

On Clause 106

Ms. White: Clause 106 talks about a review of the act. In all of my time in this Legislative Assembly, I have learned that language that says, “Within seven years...”, but then uses the word “must” is really critical. I appreciate that what we are talking about is that this act must be reviewed within seven years of the day when it becomes enacted. I think that's important, because if things change in the Yukon context, it's important to know that there is that ability to trigger that review which will then have the act changed. I just want to highlight that I appreciate that we use the language “must”, which is not optional. It says it “must” happen, so I do appreciate the word “must”, because it has been removed in other legislation. I also appreciate the timeline.

Hon. Mr. Streicker: I will just add a small comment: When we debated this on our side, we were talking also about trying to reflect the cannabis act. It's brand new, so there will be a review, and we wanted to give enough space to allow for that review to happen and then this one to sequence after it. That is why we came up with the notion — I think it has typically been five years, but we were just careful to try to make sure that we could sequence these things well and build on them.

Ms. White: Just as possibly my last opportunity, I would like to thank the officials from the Liquor Corporation for working through this with members of the opposition, because it turns out that, when they bring legislation forward, it's never minor and it's never short. I do appreciate the briefings and do appreciate the patience as we work our way through, as non-lawyers. It's always great to have their support here.

Hon. Mr. Streicker: I would like to thank all members of the Legislature for a really constructive debate and discussion on the act. I thank them for thanking the officials.

There is one small point that I was asked about. I think the Member for Whitehorse Centre asked about what the practice is regarding the list of suspensions and how long it is kept. I believe that it is on the web. It doesn't necessarily come off at all, and so there is an archive. That is the current practice.

Clause 106 agreed to

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all remaining clauses and the title of Bill No. 5, entitled *Liquor Act*, read and agreed to.

Unanimous consent re deeming all remaining clauses and title of Bill No. 5 read and agreed to

Chair: Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all remaining clauses and the title of Bill No. 5, entitled *Liquor Act*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 107 to 116 deemed read and agreed to

On Title

Title agreed to

Hon. Mr. Streicker: I move that you report Bill No. 5, entitled *Liquor Act*, without amendment.

Chair: It has been moved by Mr. Streicker that the Chair report Bill No. 5, entitled *Liquor Act*, without amendment.

Motion agreed to

Chair: The matter now before the Committee is continuing general debate on Bill No. 200, entitled *Second Appropriation Act 2019-20*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 200: Second Appropriation Act 2019-20 — continued

Chair: The matter before the Committee is continuing general debate on Bill No. 200, entitled *Second Appropriation Act 2019-20*. Resuming general debate, Mr. Silver.

Hon. Mr. Silver: I know that we're at the end of the day here, but I would like to get as many answers on the record from questions that were asked in Committee of the Whole from yesterday that were answered either in part — or just an opportunity to complete some of the answers or to answer some

of the questions that we said that we were going to get back to the members opposite about.

I'll start with some questions asked specifically to the Department of Energy, Mines and Resources. The first question was based on the Ketzka River site, and the question was: What is the current liability of the government for this site?

Mr. Chair, the Government of Yukon is financially responsible for the remediation of impacts attributable to activities it permitted at the Ketzka River site after devolution. The costs to remediate these environmental liabilities, if remediation is required, will be determined through an independent assessment process, as defined in the devolution transfer agreement. The Government of Yukon has agreed to fund the independent assessment process estimated at approximately \$5 million to \$6 million. The Government of Yukon is currently funding care and maintenance of the site, which is approximately \$2 million to \$3 million per year. However, it is anticipated that these costs will be recovered from the Government of Canada following the conclusion of the independent assessment process.

Under the devolution transfer agreement, the Government of Canada accepted financial responsibility for the remediation of impacts attributable to activities that were permitted by the Government of Canada — again, money being expended, but also money being recovered — two parts of one story.

The other question was: Has work begun on the remediation at Ketzka? Mr. Chair, active remediation has not yet begun. Work has begun on the independent assessment process to advance the remedial design. We are currently working with First Nations to develop terms of reference for the independent assessment process. Once the terms of reference are finalized, the Yukon government will procure an independent assessor to conduct a site assessment, delineate liabilities and costs, and prepare a remedial design.

Mr. Chair, once the independent assessment is complete, the Yukon government will enter the *Yukon Environmental and Socio-economic Assessment Act* process, followed by water licensing in preparation for active remediation.

Another question about the same issue, about the Ketzka mine — and I'll quote from the question — according to the audit, Canada's liability may not be comprehensive, as Yukon government allowed the mine to reopen. If costs may be offset by the security bonds that are held, how much is in those bonds?

The Government of Yukon permitted activities at the Ketzka mine site following devolution. New liabilities following devolution were primarily related to exploration, including drilling. In 2014, Ketzka River Holdings furnished various amounts of \$797,421; \$3,087,600; and \$25,000 in the form of a security to the Government of Yukon, pursuant to the *Waters Act*. Following abandonment of the mine site in 2015, Yukon government withdrew those amounts of security to implement care and maintenance at the site. Approximately \$797,421 in security remains and will be used to offset remediation costs following completion of the independent assessment process.

I do know that there were more questions that were asked by the members opposite. I will use my time another day. At this point, I move that you report progress.

Chair: It has been moved by Mr. Silver that the Chair report progress.

Motion agreed to

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

Chair: It has been moved by Mr. Streicker 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 *Liquor Act*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 200, entitled *Second Appropriation Act 2019-20*, and directed me to report progress.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

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

The House adjourned at 5:28 p.m.

The following legislative returns were tabled November 5, 2019:

34-3-4

Response to oral question from Mr. Kent re: radon testing (Dendys)

34-3-5

Response to oral question from Mr. Kent re: Canada Remembers Commemorative School Project (Dendys)

The following documents were filed November 5, 2019:

34-3-19

Yukon Lottery Commission Annual Report 2018/19 — What's Your Recreation? (Streicker)

34-3-20

Electoral Reform, letter re (dated November 4, 2019) from
Stacey Hassard, Leader of the Official Opposition, to Hon.
Sandy Silver, Premier (Cathers)