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HANSARD

Tuesday, November 12, 2019 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2019 Fall Sitting

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

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New Democratic Party

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**Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, November 12, 2019 — 1:00 p.m.**

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

Prayers

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Ms. McPhee: I would like to ask my colleagues to help me in welcoming Sheri Blaker and Shauna Clare, both from the Department of Justice, who are joining us here today for the tribute.

Applause

Speaker: Are there any tributes?

TRIBUTES

In recognition of Make a Will Month

Hon. Ms. McPhee: I rise today on behalf of the Yukon Liberal government and the Third Party to pay tribute to Make a Will Month here in the Yukon Territory. Make a Will Month is an annual effort every November that encourages Yukoners to create a legally valid will. It is sponsored initially by the Department of Justice, and many of our officials work with the community on this effort during the month of November.

Dying without a will creates additional stress and confusion during a difficult time for our family and friends. Dying without a will is known as dying “intestate” and creates the need for government involvement in that process.

There are many reasons why having a will is very important, Mr. Speaker. Having a will helps your family and your friends understand your wishes and your preferences for funeral or service arrangements. It can also address who you want to take care of your surviving children, who will run your business, who gets your house or your property — and even plans for your pets — all so that disputes and confusion can be avoided. Leaving this information in your will lets your loved ones know your plans and your wishes.

The best way to consider a will is to ask yourself, “What do I want my family and friends to know?” When we are young, most of us do not think too much about our own mortality, but know that, no matter your age, people have complex lives — involving children, property, and other personal belongings — that are best served by having a will.

Thinking about how to distribute your worldly goods is easier than you think, and Make a Will Month — November — is an ideal time to start. Armed with good legal information, you can be well on your way to creating a will that is legally valid here in the territory. There are workshops happening in Whitehorse this month to help Yukoners gain important

information about making a will. These workshops will provide information on why you need a will, the will drafting process and costs, common myths about wills, and preparing wills, enduring powers of attorney, and advanced directives.

These workshops will be held on Wednesday, November 20, Friday, November 22, and Tuesday, November 26, all at the Whitehorse Public Library. There is no cost.

Yukon’s *Wills Act*, Mr. Speaker, has not been amended since it came into force in 1954. It is even older than me.

A review of the act revealed that there are some provisions which should be updated to reflect the needs of modern society and to keep pace with changes to legislation in other Canadian jurisdictions. Based on the review, our government is considering amendments and has launched a public engagement initiative.

We are seeking input on topics such as revising the formal requirements of wills to align with legislation in other Canadian jurisdictions; adding provisions related to common-law spouses, divorce, and separation; enabling courts to correct errors that save failed gifts when there is sufficient evidence that doing so would follow the testator’s intentions; and continuing to accept handwritten wills — all very important topics.

To get information and feedback on proposed amendments designed to modernize the *Wills Act*, an online survey will be available on engageyukon.ca until December 23, 2019. We invite and encourage all Yukoners to give their comments and feedback to the survey, which will be followed by a “what we heard” document. Other places where there is information about wills include the Department of Justice website and the Yukon Public Legal Education Association website known as ylea.com.

Planning for the future includes making a will, and Make a Will Month is designed to remind you and to help you get there.

Mr. Cathers: I rise on behalf of the Yukon Party Official Opposition to recognize November as Make a Will Month, which was started in 2015 in an effort to make Yukoners aware of the value of the will and the difficulties that might arise for family members if someone dies without a will in place. This annual event promotes pre-planning in life to provide certainty and assurance after one’s passing.

A will is a written document that defines how you would like your assets dealt with after you have died and may address matters such as the guardianship of children and preferences around burial or cremation. The creation of a will may not be on the mind of every Yukoner, but it should be if you have not already dealt with this matter. It could mean peace of mind for your loved ones after you are gone and an easier transition at a difficult time. So write the will. Have a clear idea of what you would like to have done with your assets, how to deal with any debts, and what your family situation might look like.

As the minister noted, there is a standard acceptable format for wills in the Yukon, and there are resources available — as she outlined in her tribute — to help Yukoners develop a will for themselves. It is important to educate yourself on what that

should look like to avoid problems with the validity of your will.

I would like to thank all those taking time this month to educate Yukoners on the importance of making a will and helping them to get started and those who have taken the initiative to make their own.

In closing, I would just note that the recognition of this month and the promotion of making a will originated from an issue raised with me by a constituent several years ago, and I would like to thank the current and former staff at the Department of Justice, including those in this Chamber, for fleshing out the details of this idea and for making Make a Will Month something that happened then and here in this month, November 2019.

In recognition of Movember

Mr. Adel: I rise today on behalf of all MLAs and parties in the Chamber to pay tribute to Movember. This will be the third year that I have risen in the House to pay tribute to this very important cause. Movember started with a couple of friends in Australia. It has grown to be a worldwide movement supported by all genders to help encourage discussions around men's health.

It is great to see that we have local businesses finding ways to participate and support this cause. On my drive to work this morning, I was listening to *Game Time* on CKRW and it was great to hear Movember-themed questions.

I know that Coast Mountain has been issuing challenges to several local businesses on their Facebook page. They are selling Mo'staches for \$5 for the entire month of November, with all proceeds going to the Movember Foundation. They're encouraging people to participate by sharing pictures with the hashtag #BuyAMoSaveABro. It has been great to see the photos popping up on social media and see people of all ages and all genders participating in this movement to support men's health.

Last year, I participated in the Movember Make Your Move challenge. This challenge included walking 60 kilometres over the course of a month, which signifies the 60 men we lose to suicide each hour, every hour.

Movember has funded over 1,200 men's health projects throughout the world in the last 15 years. I hope that this tribute and this initiative helps to encourage men to talk openly about their health and to seek the appropriate care.

As I have shared with this House before, my father was a survivor of prostate cancer due to early detection, so this initiative is particularly important to me. It's one of the reasons I fundraise for Movember every year and why I participate also in the Ride for Dad.

Causes like Movember give us as parents the ability to start a dialogue with our kids about men's health issues — all health issues, really. It has encouraged me to have these very important discussions with my sons. I challenge everyone here to get involved and participate. There are many ways you can support the cause. You can find a friend who has a page on the movember.ca website and donate to their campaign or you can stop by Coast Mountain Sports and purchase a Mo'stache. I

have a spot myself where I have set a limit, and if I reach it, this luxurious mustache is leaving.

It's also great to share your support on social media using a #Movember hashtag to help spread the word. I encourage people to take time to check out all of the amazing work that this foundation has accomplished. You can visit their website, movember.ca, to learn more about this cause and how you can get involved.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Frost: I have for tabling the following document: the annual report and consolidated financial statements for the Yukon Hospital Corporation.

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

Are there any reports of committees?
Petitions.

PETITIONS

Petition No. 1 — response

Hon. Mr. Streicker: I am rising this afternoon in response to Petition No. 1.

The Many Rivers Counselling and Support Services Society is a legal entity separate and apart from its directors and members. So long as the society exists, so too do its debts and obligations, regardless of who makes up the board of directors and who the members are.

When a new board of directors of a society assumes office, it takes on the task of addressing the society's debts and obligations, but the new board members do not normally become personally liable for expenses incurred under the prior board. We recognize the challenge new board members face when coming forward to get a not-for-profit society back on its feet and we acknowledge and thank them for their commitment and efforts.

We encourage any new directors stepping into such a role to review past files and practices to understand the history, seek advice from legal counsel, and determine actions that lead toward a path forward.

For those who were directly involved in management of finances at the time, given potential creditor action available through the courts, it is always a good idea for those past directors to consult independent legal counsel to understand and further clarify any concerns related to personal liability.

Regarding funding agreements, Health and Social Services is doing its due diligence as the funder and continues to consider — with the assistance of legal counsel — the appropriate next steps regarding questions of past financial management.

We recognize and appreciate the important role that Many Rivers has played in the lives of Yukoners for many years. The Yukon government did attempt to assist Many Rivers in

returning to compliance with the *Societies Act*, including providing several additional months to submit audited financial statements and paying outstanding rent owing on Many Rivers' office spaces in three communities. We have met with Many Rivers to discuss their concerns and interests several times and we are willing to meet again.

Access to counselling services in the Yukon is vitally important. Following an expression of interest for outpatient counselling in Whitehorse, which included Many Rivers, we have provided funding for services through the Canadian Mental Health Association's Yukon division, as well as All Genders Yukon Society.

Health and Social Services has also expanded services through Mental Wellness and Substance Use in community hubs, as well as in Whitehorse. There are now 22 Yukon government positions supporting mental wellness and substance use in the territory. For contrast, there were two positions in 2016.

We look forward to seeing new supportive relationships and connections grow between Yukoners and the mental wellness supports that are being established. Each day, we strive toward our first priority of providing access to mental wellness supports and services that Yukoners need to live happy, healthy lives, while ensuring that we work in as transparent and accountable manner as possible.

Speaker: Are there any petitions to be introduced?
Are there any bills to be introduced?

INTRODUCTION OF BILLS

PRIVATE MEMBER'S BILL

Bill No. 301: *Act to Amend the Taxpayer Protection Act* — Introduction and First Reading

Mr. Cathers: Mr. Speaker, I move that a bill entitled *Act to Amend the Taxpayer Protection Act* be now introduced and read a first time.

Speaker: It has been moved by the Member for Lake Laberge that a bill entitled *Act to Amend the Taxpayer Protection Act* be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 301 agreed to

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

NOTICES OF MOTIONS

Mr. Adel: I rise today in the House to give notice of the following motion:

THAT this House congratulates the Government of Yukon on the opening of the first Housing First project in the Yukon.

Speaker: Are there any further notices of motions?
Is there a statement by a minister?
This then brings us to Question Period.

QUESTION PERIOD

Question re: Yukon Water Board wetlands hearing

Mr. Kent: The CBC has obtained and released a letter from October 7 from the chair of the Water Board to the Premier. The letter indicates that the Yukon Water Board will be holding public hearings on wetlands. I quote from the letter: "The Board believes that there is a genuine interest in or concern about mining in wetlands and that the issue requires an examination of both individual and societal interests."

The mining community is concerned by the uncertainty that this creates. They wonder if this is a step down a road of even further limited mining activity.

These concerns are of particular concern in the Indian River valley, where placer miners are finding themselves overcome with an ever-growing sea of rules and regulations.

My question for the Premier, Mr. Speaker, is: Will this hearing interfere with the issuance of and conditions placed on water licences?

Hon. Mr. Silver: The Water Board did issue a letter to me on October 7, 2019, stating their intent to hold a public interest hearing on wetlands. There are five projects, I believe, currently for the Indian River wetlands that are currently in the water licensing process — also worth noting at this time. The letter did raise concerns from industry and current applications, as it is being interpreted as a request for the Yukon government to utilize its authority under the *Waters Act* to issue policy direction to the Yukon Water Board and for that direction to somehow halt the issuance of water licences in wetlands.

To be very clear, the Government of Yukon will not be issuing direction to the Yukon Water Board to halt or to freeze applications, nor will the Yukon government make orders that prohibit any applicants relating to the Indian River wetlands.

Mr. Kent: As I have said, we have heard from a significant portion of the mining community who is concerned about the growing uncertainty under this government. The requests for public hearings on all Yukon wetlands came from interventions on specific water licence applications.

Instead of saying that this is out of the scope of these specific water licence reviews, the Water Board has stated that it will start public hearings that could have negative impacts on the mining industry. The mining community, again, is concerned about the precedent that is being set by the Water Board starting to set policy direction on wetland use.

As the Premier mentioned, section 11 of the Yukon *Waters Act* allows the minister to give written and binding direction to the Water Board. We know that the Premier and his chief of staff had a private meeting with the chair of the Water Board on the evening of October 28. Did they discuss this issue and a path forward to end this uncertainty?

Hon. Mr. Silver: So, again, the board chair has confirmed to me and also to YG officials that the letter was not asking Yukon government to act or to issue direction to the board. In that, it is worth expanding that this government has issued a memorandum of understanding that clarifies the roles not only of me, but also of the chair, the board, and the secretariat to really help that process, to make sure that the reporting mechanisms are in place and that we are working

together in an obviously important — making the acknowledgment that again this is a quasi-judicial board that has its own rules and procedures — again, a good check-in with the chair to see that there's an opportunity for us to work more hand in glove in these processes.

The member opposite is making it look like a hearing is going to be something negative. I see it as a positive; I see it as a positive. Again, what the Yukon Water Board — well within their rules and procedures to do. Any opportunity for individuals to come together for clarity — whether that be technical or to clear the record when that record is being muddied — it's a good opportunity.

Mr. Kent: In that response, the Premier referenced the MOU that was signed with the Yukon Water Board on November 27, 2018, and again how that will bring certainty to the industry by clarifying the roles of the Water Board and the government.

I would ask the Premier to expand on how the MOU with the Water Board is helping to alleviate industry concerns over the announcement by the board that they will be holding public hearings on the use of wetlands.

Hon. Mr. Silver: What's important to note at this time is the integrity of the Water Board and the chair and the process in which we are making sure that water is being protected and used not only today, but for future generations as well. I do want to commend the Water Board for a really close working relationship with this government.

Again, in previous practices with previous governments, it seemed like a quasi-judicial situation was kind of — it really didn't necessarily help proponents get to that ability to open up mines, whereas what we have is an opportunity here to clarify roles, to make sure that the secretariat lives in that balance of being government employees but also being in that position to work with the chair, with the board and maintain that quasi-judicial nature.

Again, the Yukon government encourages the current applicants to work with the board and to provide information as required to ensure that applications continue to be deliberated and processed. Again, at this time, we do not have any intention of delaying the issuing of water licences and note that, in their letter, the Water Board intends to continue its deliberations on current applications as it has a statutory responsibility to do so.

Question re: Yukon Water Board wetlands hearing

Mr. Cathers: It is disturbing to hear the Premier's words here in the House. We have heard that the Water Board's October 7 letter to the Premier caught government and the industry off guard. We know that placer miners, including the Premier's own constituents, were definitely caught off guard and unhappy with this letter. Given that the government's MOU with the Water Board was meant to improve communication, this seems odd.

Can the Premier confirm if this letter caught the government off guard or if they knew it was coming in advance?

Hon. Mr. Silver: When we got the letter, we received the letter.

Mr. Cathers: The letter also states that interventions on specific applications requesting public hearings contain more than just requests for public hearings. They also requested that the board not issue any licences or placer projects in undisturbed Indian River wetlands until a hearing was held. I know that the placer miners were very unhappy with this letter.

Although the board does not have the authority to follow through with the request, they note in their letter that they can give a recommendation to the minister, and they did that. They recommended that the minister consider the government powers under section 32 of the act, which allow the government to put prohibitions in place for land use in specific wetlands and banning the issuance of water licences in certain areas. Presumably, the board is recommending this so that the government can prevent the issuance of licences until the hearing is complete. The Premier has a record of saying one thing to one audience and something contradictory to another.

I will ask him again: Will he unequivocally rule out the government using its powers under section 32 of the *Waters Act* to prohibit placer mining while the Water Board hearing is underway?

Hon. Mr. Silver: I would urge the member opposite to listen to his colleague and listen to the answers that were given to the previous question. We are being asked the same question twice here, and we answered that question here on the floor of the Legislative Assembly.

Mr. Speaker, we have an amazing relationship with the Klondike Placer Miners' Association. We worked with them immediately when they had the concerns. I think that the big concern was the wording of the letter itself and just making sure that we clarified who had the roles, and I believe that this was worked out. I believe that there were meetings not only with me but also with the Water Board to clarify that. If the members opposite want to muddy those waters, that's up to them, but the concerns that were raised were alleviated at that time.

The Water Board — I really appreciate them passing on the information that other parties were copied on — the October 7 letter as well — and that includes Yukon First Nations and also the Yukon Conservation Society. Again, no muddied water — except from the Yukon Party.

On the topic of developing the Indian River watershed, the Yukon Water Board received an intervention from the Tr'ondëk Hwëch'in that suggested that the board refrain from issuing licences to placer operations in undisturbed wetlands, and that's where the story started.

Mr. Cathers: Well, Mr. Speaker, unhappy placers miners who are worried about how they're going to feed their families are going to be surprised to hear the Premier standing up in this House and indicating that they're happy with this letter. The letter from the Water Board finishes by saying that "Additional information related to date, location and scope will be provided at a later date." This letter has created a lot of uncertainty and nervousness in the placer mining sector.

The Yukon placer mining community is worried that this hearing will be held in the middle of winter when a lot of their industry members may be out of the territory. Does the Premier have insight into when and where this hearing will be held and

what the scope of it will be? Has the government given any input into the scope of the hearing? Finally, why does the Premier support this letter, considering the fact that it has created uncertainty within the placer mining sector, including his own constituents?

Hon. Mr. Silver: That's a pretty weak narrative at best from the Member for Lake Laberge — again, putting words in my mouth. It's just despicable, really, to say that I said that the industry was happy with this letter. I didn't say that. Of course, they will go back and spread that, I guess. But again, we were very, very clear that, upon receiving the letter and the conversations — we were very thorough. We're having the exact same conversation here that I had with the placer mining association on the topic of developing the Indian River wetlands. We were very clear. The Yukon government does not intend to issue any orders prohibiting activities in the Indian River wetlands, nor does the Yukon government plan to issue any order to halt or to freeze current or future applications related to the Indian River wetlands.

The only misconceptions would probably be coming from the Yukon Party, which wants to split my community down the centre here for some kind of political gain.

Question re: Dental health care

Ms. White: When Tommy Douglas first proposed a universal health care program for all Canadians, dental care was included. We know that poor dental care can have serious long-term impacts on a person's health and well-being. Poor dental care can lead to the obvious cavities and gum disease, but it has also been linked to heart disease, cancer, and diabetes.

If a Yukon community does not have a resident dentist, coverage is provided to students up to grade 12 through a contracted dentist who makes visits to those communities. In Whitehorse, a student is only able to access dental care, from kindergarten through grade 8. After that it becomes the responsibility of the caregiver. For anyone without a dental plan, even a simple cleaning and checkup can easily cost hundreds of dollars. Dental fillings cost even more.

Never mind complicated dental needs — what are families without access to a dental plan supposed to do for simple things like cleanings and checkups?

Hon. Ms. Frost: I would like to thank the member opposite for the great question. Oftentimes, as we look at the services that are provided to rural Yukon communities, dental care is one of the ones that is seen as a key priority — and certainly challenging, of course. We have had previously the dental therapy program that provided pre-kindergarten-type services and, in some communities, services to students who were older, of course — just because of limitations of direct access to a dentist. So that certainly is something that we are looking at when we look at collaborative care models in our communities and we look at the initiatives of dental care. We will continue to look to our health care providers to ensure that we bring the necessary care to our Yukon communities — certainly a priority for us — and we will continue to do that work.

Ms. White: I would like to point out that it is not just Yukon communities, but it includes Whitehorse — it is anyone who doesn't meet those current requirements.

Between grade 8 and turning 65, many Yukoners are left with no dental coverage. Governments and some employers are able to offer dental programs to their employees — and that is fantastic — but for those working in the service industry, the self-employed, those working at part-time jobs, and the working poor, without that additional coverage, there are no options.

The dental professionals recognize this need, with one local clinic offering free dental work once a year. People line up for this service hours in advance. The clinic is able to provide care for many individuals; unfortunately, many are turned away.

Mr. Speaker, when will this government look at the evidence and make the decision — an evidence-based decision, one could say — that all Yukoners should have access to universal dental care?

Hon. Ms. Frost: We are, of course, experiencing some capacity challenges — as noted by the member opposite — when we look at providing dental services throughout the Yukon and particularly looking at the needs of vulnerable community members. But we also look at the services that we provide to children from kindergarten to grade 8 in Whitehorse, and then of course, as I indicated earlier, throughout our communities to those who are in the higher grades.

When we look at services that we provide to Yukoners, we obviously take into consideration the specialized services that are lacking — and this is not new, Mr. Speaker. This has been in existence for quite some time. We will continue to work with the health care professionals. We will work with the dental association. We will work with our health care team to address the challenges.

At this point in time, I don't have the specific details because we are looking at a collaborative model. We are looking at our health care review. These are things that we will essentially make some adjustments on to better accommodate and align with service needs of Yukoners.

Ms. White: It is unfortunate that the government continues to act as if teeth are luxury bones and not critical to overall health. Seniors in the Yukon are eligible for a set of dentures once every five years or up to \$1,400 every two years for regular dental care. We know that maintaining your own teeth is the better option. For a person requiring a root canal and a crown these days, that will easily cost over \$3,000. I am sure that the \$1,400 is a welcome subsidy for seniors, but it still leaves many of them unable to afford the required dental care. For many, there are no other options.

Mr. Speaker, what are Yukoners without access to dental coverage supposed to do? Or should I ask: What are Yukoners without dental coverage supposed to do without in order to pay for the procedures?

Hon. Ms. Frost: Those are really great questions. I can attest to the fact that services are much needed in the Yukon — in particular, in my community. It is very difficult when the

services through NIHP provided to the clients who access that program are often challenged and compromised.

We look at consistency with what we deliver to Yukon through our health care coverage program. We look at the services provided for seniors. We have had a comprehensive review and discussion with seniors on what they would like to see changes on. We will work through the review process, recognizing that there are challenges. Granted, it will take some time, and I do acknowledge that. There are many challenges that we have before us when we look at collaborative care and comprehensive care for Yukoners. We will certainly take that under advisement and continue the good work.

Question re: YESAA and Yukon Water Board processes

Mr. Kent: On November 7 during debate in the Committee of the Whole, I asked the Premier about eliminating duplication between the YESAA and the Water Board processes. In response, the Premier said — and I quote: “What a great opportunity to take a look at trying to modernize an approach and a process to reduce red tape...” He went on later to say — and I quote again: “We are working as much as we possibly can to reduce red tape.”

Can the Premier tell us what red tape the Liberals have reduced over the last three years when it comes to the YESAA and Water Board processes?

Hon. Mr. Silver: Mr. Speaker, we have done much in this field, whether it be the MOU that we talked about with the Water Board or the mining regulatory process improvements — recognizing that a healthy and active mining sector is extremely important and is the major driver of our economy.

The Government of Yukon continues to strive to ensure mineral exploration and mining projects are permitted in a process that’s timely — and also ensuring that high environmental standards align with Yukon First Nations’ and Yukoners’ interests.

Part of that conversation we had on November 7 as well was — a lot of talk about the herculean task that my Minister of Energy, Mines and Resources had in front of him with a stalled process and with litigation. Dealing with that litigation — trying to get things back on track, re-establishing the Yukon Forum — there have been lots of processes that we’ve done to make sure that we repaired the damage that was created — in doing so, protecting the environment, but also making sure that we have an economy.

Mr. Kent: What I was looking for was for the Premier to tell us specifics about what he has done to reduce — over the last three years — the red tape when it comes to YESAA and the Water Board processes.

He referenced the MOU with the Water Board. Can the Premier explain how that MOU has reduced the amount of red tape for industry? Has it reduced any amount of paperwork or processes that they have to go through? Have approvals or inspections been streamlined — timelines going more quickly? Has it reduced their costs? I’m just hoping that the Premier can clarify how exactly that Water Board MOU has reduced any red tape for industry.

Hon. Mr. Silver: Thank you to the member opposite for the question.

Again, having a better relationship in general and clarifying the roles of not only the secretariat but the board, the chair, and also the Premier has really allowed us to think outside of the box. We could talk specifically about the Victoria Gold process and the technical tables that were created at that time — to make sure that a lot of the conversations that are technical in nature had a place where folks can get together and talk about that. Then again, when the upcoming hearings come, the conversations are a little smaller. That will be one example where, in the past, a hearing table would have been considered to be quite an onerous task for a lot of proponents — again, something that might not be a great place for the technical conversations to be had — again, just being able to clarify that we have this technical table ability and thinking outside the box.

Another one — the public interest in the hearing that is coming up for wetlands — another great opportunity that maybe the opposition when they were in government never thought about or never thought was important. But getting people in the room to talk and to fully participate in the Yukon Water Board’s upcoming public interest hearing — that’s extremely important. That’s another example of more conversations creating less timely processes. That public hearing — it’s timely, it’s welcome, and we’re prepared to seek Yukoners’ views on that.

Mr. Kent: Hopefully in the Premier’s final response, he can tell us exactly what red tape has been reduced as a result of the Water Board MOU that he referenced in his first response.

Again, during debate on November 7, the Premier stated that his government has developed a new interpretation of the *Waters Act* and waters regulations. He suggested that this work to reinterpret the act and the regulations was done in coordination with the chair of the Water Board. His quote was that the chair coordinated — and I quote: “... the people who are in place now, including the secretariat, including the board, the good folks in the Executive Council Office — all working together on a new interpretation — a new interpretation of very solid regulations and legislation.”

Can the Premier tell us when this process began? Is there anything publicly available with respect to this new interpretation of the act and regulations? What has changed as a result of the Liberal government reinterpreting the *Waters Act* and the associated regulations?

Hon. Mr. Silver: It is no reinterpretation.

Mr. Speaker, what we can point to is the fact that we have the largest gold mine in Yukon history opening their doors under this government and with the work of the Water Board — again, in a process that helped to streamline the process. I don’t know if we would be here right now if the Yukon Party was in place with their old interpretations of what it meant to be quasi-judicial. I have heard the member opposite on the floor of the Legislative Assembly in the past talk about that old structure.

We are so happy that we are increasing the conduits of communication so that we actually have this ability to create

things like technical tables by working with the Water Board and following their lead in an extremely quasi-judicial role. Having that ability to redefine the roles and responsibilities allows this government and the Water Board and the whole process — that one-stop-shop process — to work with industry and to make sure that we did what the previous government didn't necessarily do, which was to be able to go through that process, amend that water licence, and have that first gold pour happening and, at the same time, the environment being protected.

Question re: Alaska Highway corridor upgrades

Mr. Hassard: I have some questions for the Minister of Highways and Public Works with regard to the government's plans for upgrades to the Alaska Highway corridor through Whitehorse.

At a briefing with the department, the Official Opposition was provided with updated maps for the work through the Hillcrest subdivision. On these maps, it shows that the government's current design plan is for a road to go through the existing Airport Chalet building. This would suggest that the government will have to expropriate this land and property.

Can the minister tell us if the government is currently in discussions with the owner of the Airport Chalet to discuss options for this property?

Hon. Mr. Mostyn: Yes, I can confirm that we are in discussions with the owner of the Airport Chalet.

Mr. Hassard: It is a rare opportunity that we see this minister provide us with an actual answer, so we appreciate it.

Moving down the Alaska Highway to in front of Super A in Porter Creek — the intersection there is very dangerous due to highway and local traffic, and almost every day, there are close calls between motorists and pedestrians at this section. Currently, the crosswalks are unlit and they do not signal when people want to cross the road. They are also damaged and as a result they are not properly marked. Further, the lack of a turning lane at this intersection results in many motorists passing vehicles on the right at high rates of speed. As a result, there is no safe way to cross the highway at this particular spot.

The Official Opposition has been calling for safety upgrades to this spot since 2017. So will the government agree to upgrade the crosswalk and add a turning lane at this portion of the Alaska Highway next summer?

Hon. Mr. Mostyn: I appreciate the question this afternoon on improvements to the Alaska Highway. When this government took office, we inherited a twinning project, Mr. Speaker, that was worth hundreds of millions of dollars and was going to go for 40 kilometres from the south Klondike Highway all the way to the north Klondike Highway.

We had heard the public opposition to that plan and we stopped it. That means that there is no longer a twinning project going ahead. So, we have moved now to safety improvements along the Alaska Highway. We have just done Range Road. We have a crosswalk in place there that is going to assist residents in that region who are trying to get down to the Black Street stairs and others.

We are also going to improve the highway from that area right through to the Beringia Centre, and that is another big project. We plan to begin that next year. We have some exciting announcements with the community about that and I am very excited about that as well.

Beyond that, Mr. Speaker, we have safety improvements along the entire Alaska Highway that will have to be addressed. We are going to do those in a thoughtful manner, using traffic data and money.

As soon as we have those things prioritized, we will do them.

Mr. Hassard: I was quite excited there — I thought maybe we will get two answers out of this minister — but darn. Oh, well.

I would, however, Mr. Speaker, encourage the minister to actually read the report that he was just talking about.

But another dangerous section of the Alaska Highway corridor through Whitehorse which requires work is the section just south of the south access near Yukon Yamaha where the Standard buses turn in and out. This area currently has no turning lane for the buses, but with the growing traffic pressures in that area, it means that this section of the road is becoming very dangerous as motorists try to pass the buses on the right as traffic backs up. We have asked the government in the past to install a turning lane on this stretch of road. So far, the government has resisted. So, I'm wondering if the minister would commit to upgrades to this section of the Alaska Highway next summer.

Hon. Mr. Mostyn: I thank the member opposite for his question and also for his really interesting word choice. I think he actually put in a time — next summer, I think he said — will you please do the Robert Service Way intersection next year?

Well, Mr. Speaker — again, there are an awful lot of safety improvements that need to be done along the Alaska Highway. There are an awful lot of access points to the highway that really shouldn't be there that have been long-ignored — material in the right-of-way that has long been ignored. We're dealing with all of these issues with a thoughtful and methodical approach. We will continue to address them. We will do them based on the data that we have and the budget that we have to make sure that these are done so that the travelling public along the Alaska Highway corridor have a safe road — because it is one of the busiest highways anywhere in northern Canada, and we want to make sure it's safe. We are going to continue that work over the coming years, Mr. Speaker, just as we have in the last three.

Speaker: The time for Question Period has now elapsed.

Notice of government private members' business

Hon. Ms. McPhee: Pursuant to Standing Order 14.2(7), I would like to identify the items standing in the name of government private members to be called on Wednesday, November 13, 2019. They are Motion No. 60, standing in the name of the Member for Mayo-Tatchun, and Motion No. 27, standing in the name of the Member for Copperbelt North.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 5: *Liquor Act* — Third Reading

Clerk: Third reading, Bill No. 5, standing in the name of the Hon. Mr. Streicker.

Hon. Mr. Streicker: I move that Bill No. 5, entitled *Liquor Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister responsible for the Yukon Liquor Corporation that Bill No. 5, entitled *Liquor Act*, be now read a third time and do pass.

Hon. Mr. Streicker: I am pleased to speak to Bill No. 5, the *Liquor Act*, at third reading. As we discussed at second reading and in Committee of the Whole debate, the overarching principle we want to bring to the new act — as we were also directed to do so by citizens — was to recognize and incorporate a social responsibility mandate.

Yukon citizens were clear in telling us that economic opportunities are important and that we must also be mindful of the need to reduce alcohol-related harms and to support at-risk individuals. We believe the new act has achieved an important focus on both.

I will reiterate some of the social responsibility elements in the new act. They include: moving from a permissive consumptive model to a prohibitive, no-public-drinking model; defining social responsibility for the Liquor Corporation; requiring all individuals who sell or serve liquor to take mandatory server training; continuing clear enforcement provisions and penalties — for example, pertaining to selling or serving liquor to minors; providing greater flexibility around how intoxicated individuals are supported, which includes working with our partner departments, governments, and organizations on how we can help to remedy the landscape; requiring the Yukon Liquor Corporation to actively support public awareness initiatives pertaining to responsible liquor consumption and the legal distribution and sale of liquor; insisting that advertising and marketing methods must comply within specific advertising parameters such as those outlined by the Canadian Radio-television and Telecommunications Commission; and entrenching relevant considerations and further regulation-making authorities that will help to refine how the board and president can determine how and where liquor service is provided.

Besides incorporating stronger elements of social responsibility measures, the new bill: has a transparent structure that echoes the *Cannabis Control and Regulation Act*; clarifies roles and responsibilities for the board, corporation, and enforcement bodies; establishes an independent liquor licensing board which is arm's length from the corporation; and updates the laws around the legal importation, distribution, manufacturing, possession, consumption, and sale of liquor.

The bill also supports local businesses, licensees, and our clients by: streamlining similar business models under a single

licence type and enhancing the number of years for a licence; introducing a reduced number of license classes, from 13 to five classes; providing new event-type permits from two classes to five classes that reflect the needs of Yukon citizens; formalizing one permit type for industrial and scientific purposes; strengthening licensing renewal and permitting processes; and recognizing enforcement needs and practices of the industry.

During second reading debate in Committee of the Whole, I provided an overview of the public and advisory group engagement that supported the development of this act, starting almost two years ago. We believe that this thorough engagement process provided individuals, organizations, businesses, and governments across the territory with the opportunity to voice issues important to them and helped direct us as to how they wanted the liquor regime to be improved. We are confident that the information and ideas brought to the table have been incorporated wherever possible and strengthen the bill in front of us.

In conclusion, the government is pleased to bring forward the proposed *Liquor Act*. We believe that the new act reflects what Yukoners told us during the public and stakeholder engagement process. We also believe that the legislation responds to Yukoners' requests for establishing a stronger social responsibility role in helping to reduce alcohol-related harms and also provide economic opportunities for local businesses.

I would like to sincerely thank all Members of the Legislative Assembly for their input on the new *Liquor Act*. As we finalize drafting the regulations, I am confident that the new regime will take us forward as a society by contributing to our economic growth and will do so in a socially responsible manner.

Mr. Istchenko: I rise to speak to third reading of Bill No. 5, the *Liquor Act*. Mr. Speaker, we have spoken about a number of concerns raised within the body of this legislation.

I want to raise a question about something that the Minister responsible for the Yukon Liquor Corporation said during the reading — and I quote: “The bill moves much of what is in regulations under the previous act into new legislation, resulting in a more robust permitting and licensing regime.” He goes on to say, “The bill provides clear enforcement guidelines and realigns the legislation to meet the needs of enforcement bodies and current practices. These changes also incorporate various methods of enforcement and compliances such as the ability to create escalating penalties for offences and to issue telewarrants and tickets with a clear appeal process for licensees.”

I have two issues to raise with respect to this statement. First, peace officers or inspectors do not issue telewarrants as an escalating penalty. Telewarrants are tools for those engaged in the enforcement of this act to gain judicial authorization — for example, to gain entry into a private dwelling. A warrant or a telewarrant is definitely not a punitive sanction, as the minister alluded to. Then, to continue with the minister's statement, he also said — and I quote: “New enforcement

processes within the bill will also benefit both the public and licensees. Licensees will be able to allow an individual who is intoxicated but not engaging in disorderly or violent conduct to remain in a licensed premise if it mitigates risk to the individual's health or safety. In simpler terms, this means letting the customer sober up with a cup of coffee if, for example, it's cold outside." To this statement, I want to point out that, after doing a little research, the scientific and health literature has proven that coffee does not sober someone up. Coffee is factually known as a stimulant, so when a person drinks coffee after drinking alcohol or liquor to intoxication, it can trick the body. This can make people feel like they are closer to being sober than they really are because the coffee covers up the alcohol intoxication. I hope that the act is going to be easily read and understood by those required to read and understand it. As I mentioned, the minister's interpretation and reiteration of certain areas of the act have left Yukoners with a number of additional questions.

Those who are to be relaying information to the public should stick to the information contained within the act and not try to simplify it into plain language. In this case, it appears that trying to explain has led to some problematic statements.

Another statement made by the minister during second reading is this — and I quote: "A comprehensive list of relevant considerations is clearly noted, which includes the character and fit of not only the licence applicant but also the proposed management of the licensed premises." In the interpretation of Bill No. 5, relevant considerations in relation to an applicant or a licensee — it speaks to the extent to which the applicant and the directing mind of the applicant are: "(i) financially responsible, and (ii) otherwise of good character and fit to keep and operate the premises and to be a licensee or a directing mind of a licensee..."

I would argue that the terms "financially responsible" and "good character and fit" must either be defined in the act or defined definitely in the subsequent regulations. I would also encourage the minister to consult the public on the regulations — I think this is really important — and also to ensure that he provides direction to those involved in the process of drafting regulations to make the regulations airtight so that they are not open to abuse and to ensure clear definitions are made when they are required.

Thank you to all those who worked on this legislation. As the minister said, there was a lot of work on this. It is no easy job and there have been some good additions and clarifications made. A few areas remain within question, and I have highlighted those. So I hope that the changes contained here end up improving life for Yukoners and Yukon businesses in the long run. I am in no place to say whether issues will arise from the concerns that we have raised here in the House, but my hope is that, if they do, they will be quickly fixed by the government.

So, once again, thank you, Mr. Speaker, for the opportunity to speak to this, and I will sit down.

Ms. Hanson: In rising to speak to the third reading of Bill No. 5, the *Liquor Act* — at the outset, I would just like to

say that I thank the minister for engaging in fairly thorough conversation during the second reading of this and his officials, of course, for supporting him during that.

The NDP will support the passage of this bill, but we will put on record our continuing concern about a number of elements that are contained in both the legislation and the assumptions inherent in the comments made by the minister at third reading.

The first is that we questioned at quite a bit of length, as this bill was being debated, the whole notion of social responsibility. I will say it again: It is one thing to use the language of social responsibility, but it is very difficult to see, in this legislation, exactly how that gets carried forward in any real way. When we pressed on that with respect to the sections of the act that speak to social responsibility — again, nothing that could clearly say, "This is what social responsibility means" — other than a bit of funding going toward some activities, ancillary to what the rest of government is doing. The issue with respect to social responsibility clearly goes to the kind of enabling language that opens up the sale of alcohol from 9:00 a.m. to 2:00 a.m., as opposed to saying, in a socially responsible way, "Would a society be saying that is how we demonstrate social responsibility?" — in terms of more opportunities for — and we raised this in the context, Mr. Speaker, as you will recall — when the government had a choice with respect to the governing of the times of sale of cannabis, for example — another intoxicant — they chose to put certain parameters around it — but chose not to with alcohol.

So, it seems to me that the emphasis is not on social responsibility in this context. It is more on the private market to generate more wealth for certain sectors of the society.

The other part of the legislation that we will continue to put emphasis on — and we will be expecting to see a demonstration of difference as opposed to a continuation of the same — is, as we debated last week or discussed last week — our surprise to see — notwithstanding the discussion about the incidents that arose in 2008 and then in 2010 with Dr. Beaton and Chief James Allen's report on the acutely intoxicated persons at risk report — the notion that still is contained in this legislation that criminalizes people for being acutely intoxicated or intoxicated to the point where they are taken into custody as opposed to being offered options with respect to detoxifying — their being placed in an arrest processing unit which is part of the correctional facility and part of the correctional system. Beaton and Allen were absolutely clear about that. It was something the previous government fell into one camp on, and this government is still falling into that camp, that those people — and as Beaton and Allen — and I read it out — they talked about people who are most vulnerable ending up in the APU and they are probably not you or me — because you could probably get a call and get a ride home and I could do that too — so it's a real concern for us.

We do not see how the provisions of this legislation have changed that direction or that path in terms of — and we talked in this Chamber as well about options. There are other legislative models that have been chosen around this world,

including in Canada, in terms of how we deal with people who are intoxicated as opposed to involvement with the legal system — pointing out, yet again, that just because somebody is drunk, that doesn't mean they are a criminal — because that would probably make criminals of most Yukoners.

The other part of the legislation that we still would — and we will look to the regulations and there is so much that, as with most of the legislation — all of the legislation — so much that has been brought forward to date, so much has been hoisted over into regulations, and the challenge that we face is that there is no timeline for regulations to give effect to this legislation. We would be urging the government to bring those forward.

The other part is the open-ended parameters with respect to privatization of alcohol sales in this territory. The legislation clearly is leaning that way, but saying, “But not under this minister...” — well, that's great, but that's not what the legislation says. This minister may have certain views about privatization and is not leaning that way, and you can make choices as government to indicate where your political and philosophical leanings are. I would say that the emphasis here — as we've heard in this Legislative Assembly before from government members opposite and ministers opposite — is that the private sector should be moving in a number of current public service areas that are offered by the public sector for the benefit of the public.

We will be looking very carefully at the timelines and the process of developing the regulations and then, over time, to see whether or not the minister's interpretation with respect to social responsibility — absent any clear mention in the legislation with respect to how government is operating to address the decriminalization or non-criminalization of people because they're intoxicated in terms of what this legislation provides for — as well, the issues with respect to increased trends toward privatization by government.

Speaker: Is there any further debate on third reading of Bill No. 5?

If the member now speaks, he will close debate.

Does any other member wish to be heard?

Hon. Mr. Streicker: I would like to thank the Member for Kluane and the Member for Whitehorse Centre for their very specific comments here at third reading.

First of all, I thank them as well for their constructive dialogue during second reading and Committee of the Whole. I will try to provide a few responses to the comments that I heard, but overall, let me say that I respect the concerns as they were raised and I will do my best to address them.

First of all, I thank the Member for Kluane for talking about plain language or a thing that's accessible for Yukoners. I have given that direction to the Liquor Corporation — that, to accompany this work as we move along, we definitely want to make sure that it's accessible for not only our licensees but the public as well so that they can understand what's going on generally at a high level in the act.

I also agree that we will want to consult with the public on regulations, and we have already begun that work. We started it already with the advisory group, and we will continue.

To the Member for Whitehorse Centre and her interest in seeing this move forward — I don't want to say “quickly”, but with intention and as soon as possible. I completely agree. We have begun that work already.

If I gave the impression — I don't ever want to come across as a medical expert; I am not. I will look back at the words that I used when I was speaking about someone who may be intoxicated but is acting calmly — not asking them to leave. I think that the thing that helps people to sober up is time, so that's how I understand it. I am not trying to suggest that coffee neutralizes the effects of alcohol. That is not what I intended to say — so my apologies if I did. I do want to say that, if there is someone and we can help give them the time to sober up, we want to allow our licensees to support them in doing so.

When I talked about telewarrants, et cetera, I don't think that I was talking there about the escalation of responses starting from a warning. I can point to clauses 52 and 53. That is where we have the escalations, so you could start off with a variation on the conditions of the licence. You could move to a monetary penalty and then go to a suspension of the licence for a period of time. That is where we are talking about the escalation.

I thank the Member for Whitehorse Centre for talking again about the importance of social responsibility and where we are going to see some of that. I did try to give examples — when we get to regulations — where some of that will be. I just want to emphasize the point — there was a reference again to people who are intoxicated. First of all, there's nothing in here that talks about intoxication as being anything criminal.

We do talk about — and I am just getting the language here, Mr. Speaker. If someone is intoxicated and also has the potential to cause injury to themselves or others and is a danger or disturbance to others, then they can be taken into custody, but it is not criminalizing it.

Again, I agree that the comments that were made during Committee of the Whole — that custody, at times, has that effect, and that is why we will continue to work with the Department of Justice and the Department of Health and Social Services to find an approach that is reflective of the spirit that was there in the Beaton report.

Again, I agree with all members here when they say that they are supportive of the act, but still have questions and want to see how these issues unfold. I remain open to being in dialogue with not only the members of the opposition, but the Yukon public as this bill moves forward and once we get into regulations.

Again, I thank all members for their helpful comments as we work through the act.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Mr. 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: Agree.

Mr. Kent: Agree.

Ms. Van Bibber: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. White: Agree.

Ms. Hanson: Agree.

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

Speaker: The yeas have it. I declare the motion carried.

Motion for third reading of Bill No. 5 agreed to

Speaker: I declare that Bill No. 5 has passed this House.

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Hutton): Order, please. Committee of the Whole will now come to order.

Motion re appearance of witness**Committee of the Whole Motion No. 1**

Hon. Ms. McPhee: I move:

THAT from 3:30 p.m. to 5:30 p.m. on Tuesday, November 12, 2019, Maxwell Harvey, Chief Electoral Officer, appear as a witness before Committee of the Whole to discuss matters relating to Bill No. 4, *Act to Amend the Elections Act*.

Chair: It is moved by Ms. McPhee that from 3:30 p.m. to 5:30 p.m. on Tuesday, November 12, 2019, Maxwell Harvey, Chief Electoral Officer, appear as a witness before Committee of the Whole to discuss matters relating to Bill No. 4, *Act to Amend the Elections Act*.

Mr. Cathers: While we do agree with the value of having the Chief Electoral Officer come into the Legislative Assembly, recognizing the fact that, for many of the independent officers, there has been an interest in increased accountability to the Legislative Assembly, to simply limit that to the *Elections Act* would leave out several other important matters related to the conduct of that office. So, we will be moving an amendment to the motion that is just in the process of being reviewed by the Clerks right now — since the government, of course, as the minister knows, did not share a copy of their motion with us beforehand.

The areas that I would suggest — that our caucus would suggest — should also have consideration related to the ability of the Elections Office to be ready for the next election, including the financial needs of that office, as members will be aware — but until we have passed a motion expanding the review of this, I may be somewhat limited in talking about matters that occur in Members' Services Board. I will simply say that, as members know, there is a request from Elections Yukon for resources for the upcoming fiscal year and that members of this House have some questions related to those financial needs — so recognizing the importance, of course, of financial accountability, but also of wanting to be sure that we are in a situation where the Elections Office is fully ready to run the next election. That is something that is, of course, important to all members regardless of the differences that we may have on other matters or the vision of how to get to that point.

That includes as well the resources required to update the register of electors. As members know, under the current *Elections Act*, there are provisions of that act relating to the list of electors that are not currently being followed as envisioned by that act. The act envisioned, in section 49.10, Mr. Chair — if members will just bear with me, I'll make reference to the specific section.

Under section 49.10 of the current *Elections Act*, which is found on page 37 of that bill, there's a requirement for the Chief Electoral Officer to provide elections lists to each registered political party and to each Member of the Legislative Assembly. As envisioned in that section and outlined in that section, there's a very specific requirement that those political parties and Members of the Legislative Assembly receive a copy of that list within 30 days after the second anniversary of the return to writ for the general election and at least once before each of the third, fourth, and fifth anniversary. That, of course, is section 49.10(1)(e), recognizing that undoubtedly there are reasons why the vision outlined in that section of the law has not been followed. I do think that it's very important that the Legislative Assembly — if we're hearing from the Chief Electoral Officer — has the opportunity to discuss that area, to discuss why it has not been possible to share the lists as envisioned by that section of the act with each registered political party and each Member of the Legislative Assembly — and, again, Members of the Legislative Assembly, under that section of the act, were to receive only the list of electors for their electoral district, not for the entire territory.

Because of that, I think that matter in particular is one where we do require some discussion and where it warrants the Members of the Legislative Assembly asking the Chief Electoral Officer for an explanation of why the vision outlined in that section has not been followed and to understand what steps are being taken to ensure that they are complied with in the future as well as to understand, as it relates to the financial resources of his office — considering that there's an outstanding request from the Chief Electoral Officer for budgetary resources for the next fiscal year, which is currently within the process.

If the financial resources are having an impact on the ability of the office to fulfill the vision outlined in that section of the act, I think that is something that is important for all Members of the Legislative Assembly to understand so that we can understand it — both in the Assembly and in discussions with Members' Services Board — and so that we are informed by that information from the Chief Electoral Officer, because otherwise, we potentially have a catch-22 situation where the Chief Electoral Officer may be requesting increased resources to achieve the vision that is outlined in the law, and potentially the financial resources could be the issue at hand.

As well, there are other matters related to what the office might be requested to do, depending on decisions of the government and the Legislative Assembly, that warrant further discussion.

So, with the assistance of the Clerks — and I thank them for that help as we respond to a motion that we just learned of when the Government House Leader read it — or just learned of the specific wording of it, I should say, when the Government House Leader read it.

Amendment proposed

Mr. Cathers: I move:

THAT Committee of the Whole Motion No. 1 be amended by inserting “: (1)” after the phrase “relating to” and inserting after the words “*Elections Act*” the following:

“(2) financial needs of Elections Yukon;

“(3) resources required to update the register of electors;

“(4) compliance with the *Elections Act*; and

“(5) public consultation regarding significant changes to the *Elections Act*.”

I will send that in to the Table now. I am sure that copies are in the process of being developed, and I would just beg the indulgence of the House, since we were not provided a copy of the Government House Leader's motion until she read it, to allow a few moments for those copies to be distributed.

Chair: The amendment is in order.

It has been moved by Mr. Cathers:

THAT Committee of the Whole Motion No. 1 be amended by inserting “: (1)” after the phrase “relating to” and inserting after the words “*Elections Act*” the following:

“(2) financial needs of Elections Yukon;

“(3) resources required to update the register of electors;

“(4) compliance with the *Elections Act*; and

“(5) public consultation regarding significant changes to the *Elections Act*.”

Mr. Cathers, you have 12 minutes and 26 seconds remaining.

Mr. Cathers: I don't intend to use it. I would just like to thank the Clerks for their assistance in doing this amendment to the motion on the fly since we were responding to a motion from the government that we had not seen a copy of before this.

I would just like to note that, as I outlined, the issues that we would also like to ask the Chief Electoral Officer about include those financial needs of Elections Yukon outlined in my proposed amendment. Again, without compromising Members' Services Board discussions and their confidentiality, members will be aware that there is a budgetary request this year, as there is every year, from Elections Yukon. There were some additional resources requested by Elections Yukon that, I think it's fair to say, some Members of the Legislative Assembly have some questions about, and we might benefit from hearing an explanation from the Chief Electoral Officer of what resources he sees as necessary for the upcoming fiscal year and why he believes those resources are required.

This also included the request to broaden the motion to discuss the resources that may be required by Elections Yukon to ensure that they are able to update the register of electors as well as the matter related to compliance with the *Elections Act* itself.

As I noted in my introduction, the vision that was outlined in the current *Elections Act* under section 49.10 includes a requirement for a list of electors to be given to “... each registered political party...” for each electoral district in the territory, as well as to “... each member of the Legislative Assembly, the list of electors for their electoral district...”, and that was required to be provided with — the legislated timelines are 30 days after the second anniversary of the return to the writ for a general election — which in layman's terms is the date when the election is certified just after election day — so it's just after the second anniversary of the election of government. Of course, the last territorial election was in 2016. So, the vision outlined in section 49.10 does speak to Members of the Legislative Assembly and each political party receiving copies of the list of the electors shortly after the second anniversary of the last election, which was in November 2018, and we still have not received that list. As well, we should have received an update to that list, according to section 49.10(1)(e), before the third anniversary of the last territorial election, which of course just occurred.

Recognizing that there may be a reason why that vision has not been fully complied with and recognizing that another section speaks to how, if there have not been changes to the list, a new list doesn't have to be provided, we simply believe that it is important to ask for a fulsome explanation from the Chief Electoral Officer about what prevented the vision from being achieved and what resources may be required in the next fiscal year to ensure that the vision is achieved.

With that, Mr. Chair, I will conclude my comments and hope to have support for this from all Members of the Legislative Assembly.

Ms. Hanson: In speaking to this proposed amendment, I have a couple of comments. One is that I think that, if there is an intention to request something other than asking an Officer of the Legislative Assembly to speak to this Assembly on a matter other than the *Elections Act* — which is what we anticipated when there were, as I understand it, discussions among members — between parties — about the idea of having a more productive conversation about legislation that emanates from an independent office of the Legislature, not promoting or perpetuating the notion that the *Elections Act* is a government bill.

This is not supposed to be a government bill. It is supposed to be a bill that has been developed in conjunction with all parties and brought forward to this House. What we have said before is that this Legislative Assembly is clearly struggling with understanding and evolving toward mature committee structures. I don't see this as a mature motion, quite frankly. I think that it is disrespectful of the Chief Electoral Officer to ask him to come and speak on matters other than the *Elections Act*. There are substantive matters to be dealt with, with respect to both the amendments that are being proposed as well as the many amendments that the Chief Electoral Officer has put before the respective committee and that need to be dealt with. As I said in speaking to this the other day, there are some substantive matters that we need to find a way to move forward on with the Chief Electoral Officer. I find it kind of surprising that members of Members' Services Board — which I am not a member of — I am aware that there are weird discussions that go on in that venue and that they are somewhat arbitrary with respect to reviewing the budgets of offices. Whether you think that you would have that more mature, more balanced, more nuanced, or more objective discussion on those budget matters in here — I rather doubt it. I don't think that this is place to have it.

I do think that there needs to be a full, objective consideration of the budgets and the needs of our independent officers of this Legislative Assembly to fulfill the objectives that they have under their legislation and their mandate, but I thought the purpose of the event this afternoon, of the appearance before this Legislative Assembly, was to ask the Chief Electoral Officer to speak to the *Elections Act* amendments that are being put forward to us this Sitting and to outline for us those that we should anticipate coming at us fairly quickly. That, of course, does not obviate the need for discussion in another venue about the financial requirements for that office to fulfill its obligations to the citizens of Yukon, to ensure that the *Elections Act* is the most robust that it can possibly be, to ensure that our democracy is functioning under the rules that we have established as a Legislative Assembly — not as the Government of Yukon, but as the Legislative Assembly.

Hon. Ms. McPhee: I certainly echo some of the comments made by the Member for Whitehorse Centre. These are important issues being brought up by the Member for Lake

Laberge, but they're not issues that can be addressed today. It has been very clear in the conversations that the Chief Electoral Officer would be invited to the floor of the Legislative Assembly to answer questions in relation to his recommendations regarding the *Elections Act*, which is Bill No. 4. Frankly, I think that it would be unfair and irresponsible for us as members of this Legislative Assembly to expect him, with less than one-hour's notice, to come here and basically prepare to speak to what is by virtue of the amendments to this motion, literally questions that are essentially everything about everything that he is required to do in his role. That is simply not what he was invited here to do. I think these are valid questions. They are probably all questions that many of us have — topics that many of us have questions about, but to do this when it was not the intention today is simply unfair to one of the House Officers here.

I will be extremely careful with respect to the issues on the budgetary comments made by the Member for Lake Laberge. I think he has classified them as "outstanding financial resource issues". I happen to be a member of the committee he's discussing — as is he. I'm pretty sure his memory will serve him that this matter was very recently discussed and voted on by the members of this Legislative Assembly who are given the responsibilities to do that at Members' Services Board. Frankly, having that added as one of the items on the list here as an amendment to this motion is — I would say, Mr. Chair, is trying to do through the back door maybe what you couldn't do through the front door. As we all know, that's not on — it is the responsibility of Members' Services Board and the all-party committee to discuss those items. I'm not saying there aren't valid questions about them; they're just not here in relation to this motion.

The conversations between House Leaders and the three parties that are represented in this Legislative Assembly were that he would be invited for the purposes of talking about the recommendations that he has made to the *Elections Act*, which, of course, come through a conversation with Members' Services Board. They are introduced here as part of a bill by the government because government introduced the bills, not because they are not supported by all parties through a process before it gets here. It is certainly open for debate once it is here on the floor of this House, which it is. All in all, as a result of the changes that are suggested, the scope of what the Chief Electoral Officer has been asked to prepare for today and, frankly, the questions regarding his recommendations to changes to the *Elections Act* are captured in the original motion. As a result, we won't be supporting the amendments made on the floor of the House.

Mr. Cathers: It's unfortunate that both the —

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Streicker: I just want to be clear that, if Mr. Cathers gets up, this will be the last speaker on the amendment.

Some Hon. Member: (Inaudible)

Hon. Mr. Streicker: No? We're in Committee of the Whole — understood.

Thank you, Mr. Chair.

Mr. Cathers: I would just note, with regard to the comments made by the Government House Leader as well as the Member for Whitehorse Centre, it's unfortunate that there has been some personalization of debate in here. The suggestion that somehow the amendment that we're bringing forward is disrespectful to the Chief Electoral Officer — well, Mr. Chair, nothing could be further from the truth. In fact, we're proposing providing an opportunity for the Chief Electoral Officer to talk about other requirements related to his office, including the financial request from Elections Yukon for the next year. To suggest, as the Government House Leader did, that we're somehow unfairly putting the Chief Electoral Officer on the spot, I would remind the member respectfully that the Chief Electoral Officer knows what was submitted in his budget request. I'm sure he understands what was contained in the budget request and can speak to the items that are in there — perhaps not in as much detail as he could with, say, three weeks' notice of an appearance, but I'm sure that he is quite capable of speaking to the budget request that he signed off on, which has not been concluded in terms of its detail since, as the Government House Leader knows, until Management Board approves the budget for the year and until the budget is tabled in the Legislative Assembly, that budget could still be subject to change.

For members to suggest that amending the motion to allow the Chief Electoral Officer to elaborate on the financial needs of Elections Yukon and to elaborate on what resources he and his office may require to update the register of electors — I am trying to think of a polite and parliamentary term, Mr. Chair, but I would say that it is quite hard to believe that the Chief Electoral Officer would not be fully capable of discussing, in some detail, a budgetary request that he had made and of describing — at least in general terms — the requirements that he would foresee for the upcoming year.

As members know, there has been discussion of other matters which could potentially impact the operations of Elections Yukon discussed here in this Assembly, and gaining the Chief Electoral Officer's thoughts on that would have some benefit.

I should note, last but not least, the fact that the vision currently outlined in the law — in section 49.10 of the *Elections Act* — that envisions providing Members of the Legislative Assembly and political parties with a list of electors just after the second anniversary of the last election and at least once before the third anniversary — since that vision has not been followed — I again want to make it clear that, because of another provision in there that speaks to — if the list is not changed, a new list doesn't have to be provided. I am not saying that the office is not in compliance with the law, but it is not in compliance with the vision that was outlined in the *Elections Act*. I think that for us to understand why this has occurred and what is required to provide the Elections Yukon office with sufficient resources to achieve the vision outlined in the

Elections Act is indeed a topic worthy of conversation. Since it relates to budgetary needs, I would assume, Mr. Chair, that the connection between that and the budget request made by Elections Yukon would indeed allow the officer to elaborate on that.

I also, just want to, in closing, remind members that they seem to be selectively remembering history in talking about the process for developing the *Elections Act* and appearances here. In the past — in fact, the last time that the *Elections Act* was changed — the Chief Electoral Officer did not appear as a witness, but appeared as a resource beside the minister introducing the bill. That was the case the previous time that the legislation was changed as well. While we see value in bringing the officer in to potentially answer questions directly and not through the minister, I do just have to correct the revisionist history that seemed to be provided by members of the Assembly.

With that, I will encourage members to err on the side of transparency and remind them that democracy dies in the dark. To suggest that somehow we would be compromising the office or that volcanoes would destroy the Earth if we were to talk about the matters outlined in the amendment to the motion is really not doing service to the public. The members, if they choose to vote against this, will be erring on the side of secrecy instead of on the side of openness.

Hon. Mr. Streicker: I don't know how we got talking about volcanoes.

What happened here, Mr. Chair, was that there was a great suggestion from the Third Party that this would be a good idea to not only invite the Chief Electoral Officer to sit beside the minister as the bill was debated in Committee of the Whole but, even before that, to welcome the Chief Electoral Officer here as a witness so that all parties could ask questions in a much more independent fashion. That proposal was raised at the House Leaders' meeting last week. It was discussed. I went and approached the Chief Electoral Officer to ask him if he would be willing and able to come across. That was agreed to. I then turned back to the House Leaders' meeting again last week to discuss the timing on it. As far as I understood it — we don't take formal votes, but I didn't hear any concerns raised at that point. Today again, I thanked the Clerk's office for developing this motion, but I thought, through the conversation at the House Leaders' meeting, that we were all agreed on the process. If I was mistaken, I will go back, but when I spoke to the Chief Electoral Officer to say that we were seeking to have him come here today, it was to speak as a witness on Bill No. 4.

If there are other things — so far, I'm not convinced to vote for this amendment. But I will never stand up and talk about this as secrecy. What I will do is I will just offer — and if not myself, then in the role of Acting House Leader, then the House Leader — that if there are other suggestions about trying to welcome the Chief Electoral Officer into this House, let's have that conversation at House Leaders where we started this.

Again, thanks to the Third Party for their suggestion. I appreciate that there are other questions that the Member for Lake Laberge would like to get to. We didn't arrange that with

the Chief Electoral Officer for today, so we're not supportive of the amendment that he is proposing.

Mr. Cathers: I just want to briefly respond to what the Minister of Community Services has suggested. I would note that, if the government in fact has a change of heart and agrees to vote in favour of transparency and openness instead of in favour of secrecy by supporting this amendment to the motion — if — as some members of the government have suggested — the Chief Electoral Officer is not prepared to answer all of the questions outlined in this amendment, I would note that in fact the Official Opposition would be happy to accept the Chief Electoral Officer saying, "I don't have an answer to that question at this point. I will have to get back to the member" or some similar response if a question is asked for information that is not at the Chief Electoral Officer's fingertips. To suggest that we're somehow putting the Chief Electoral Officer in an untenable position, I think, is an incorrect suggestion. Again, as I noted, if any of those matters and any of the questions we've prepared regarding matters outlined in the amendment — if the Chief Electoral Officer doesn't have that information at his fingertips, we would certainly be happy with a commitment by that officer to provide that information at a later date.

Chair: Is there any further debate on the amendment to Committee of the Whole Motion No. 1?

Are you prepared for the question?

Some Hon. Members: Count.

Count

Chair: A count has been called.

Bells

Chair: All those in favour of the amendment to Committee of the Whole Motion No. 1 please rise.

Members rise

Chair: All those opposed please rise.

Members rise

Chair: The results are six yea, 11 nay.

Amendment to Committee of the Whole Motion No. 1 negatived

Chair: Is there any further debate on the main motion?

Committee of the Whole Motion No. 1 agreed to

Chair: The matter now before the Committee is 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 15 minutes.

Recess

Chair: 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*.

Is there any further general debate?

Hon. Mr. Silver: We left off last time in general debate with the Member for Lake Laberge asking some questions. I do have some responses for him at this time.

I'll start with the Shallow Bay zoning amendment process. Before I get into it, I want to thank Chris Mahar for being here today from the Department of Finance, my deputy minister.

The question I was asked about Shallow Bay zoning — and I quote from the Member for Lake Laberge: "Can the Premier provide an update of what the status is of that process, when people will see some tangible results — including a proposal coming out of the committee that has been developed — and also when or if the government actually plans to amend the regulations?"

Mr. Chair, we are committing to working with the Ta'an Kwäch'än Council and local residents on a potential zoning change affecting the Shallow Bay area to find solutions that work for this unique area. While the committee has met regularly over the past year, we recognize that the committee has required additional time to reach consensus on draft zoning concepts before presenting the options to the community for consideration.

This past summer, the Ta'an Kwäch'än Council conducted targeted engagement with its citizens to ensure that proposed zoning options carefully consider First Nation interests.

The committee met on September 30, 2019, and is meeting again tomorrow, November 13 of this year. We expect that the committee will be ready to solicit community input on draft zone concepts following the November meeting.

If there is alignment within the community on the proposed options, we will work with the committee to begin drafting regulations.

The member opposite went on to ask questions specific to the Fox Lake local area planning process. The first question asked in this pursuit was — and I quote: "... if the Premier could provide an update on what the status of that is." Of course, he was referring to the Fox Lake local area planning process.

Mr. Chair, since April 2012, the Government of Yukon, the Ta'an Kwäch'än Council, and Kwanlin Dün First Nation have been working collaboratively to develop a local area plan for the Fox Lake area. Last year, the steering committee prepared a community visitation report to inform the development of planned policies. The committee hosted a public meeting on October 4, 2018, to provide an update to the community on planning processes. The government met on January 9, 2019, to prepare for the next phase of work, which includes development and review of land use concepts, policies, and drafting the local area plan.

We hope to bring the committee back together in the new year to initiate the next phase of planning. The planning area covers 525 square kilometres and encompasses land along Fox

Lake and the northwest shore of Lake Laberge. A small portion of the planning area falls within the traditional territories of both Little Salmon Carmacks First Nation and Champagne and Aishihik First Nations. Government of Yukon officials are working to ensure that First Nation expectations on participating in the Fox Lake local area planning process are met.

The member opposite then asked some rapid-fire questions on wild and domestic sheep and goat separation control orders. The first question from the Member for Lake Laberge was: Stakeholder engagement occurred after the decision was made to impose the control order. “What have the impacts of that been?”

The stakeholder engagement confirmed the strongly held and opposing opinions of stakeholder groups, confirming that the control order reflected a balanced approach on this issue.

Advocates for wild sheep and goats expressed concerns that the controls were not sufficient and rather that specific, stringent fencing requirements should be within the control order and that exclusion zones should be expanded. Members from the agricultural community expressed that the control order is an unfair limitation on the industry and that voluntary measures would be sufficient. The control order was modified to allow microchips for animal identification and to remove requirements for export permits for sheep and goats. The language of the control order remains flexible to ensure discretion in the design of fences to meet the outcome of containment and also to reduce risk of direct contact and to still respond to the unique features of individual farms in the Yukon. Similarly, the testing requirements are not prescriptive in the control order. This allows flexibility to adapt to emerging knowledge about the disease risk.

Another question that was asked by the member opposite was — and I quote: “How many farms have been impacted by this control order?” Mr. Chair, to date, 36 farms have begun having their animals tested, 31 farms have completed testing, and 16 premises have begun developing a fencing plan and have applied for fencing funds. There are completed premises as well.

Three farms have indicated that they do not wish to be compliant with the control order and have opted to depopulate by sale or slaughter of their sheep and goats.

The third question asks, specific to the wild and domestic sheep and goat separation control order — how many farmers have applied for funding and received funding? Again, these quotes are all from the Member for Lake Laberge. Mr. Chair, as of October 31, 2019, there has been \$160,611 of funding provided for containment for 24 projects. There are projects ongoing that are being processed.

The fourth question specific to this topic — and I quote: “How many farms, at the current time, are looking like they will not be able to comply with fencing requirements of the control order and thus may be forced to destroy animals to comply with the control order on January 1?”

Mr. Chair, three farms have opted to depopulate their sheep or goats by sale or slaughter, as mentioned. Rather than comply with the control orders, farmers are encouraged to sell

their animals rather than slaughter in order to retain the genetic diversity of sheep and goats in the Yukon. Funding provides the equivalent of compensation value for sheep or goats that are sold or slaughtered in these instances.

Another question specific to wild and domestic sheep and goat separation control orders — I quote: “Does the Premier have an estimate of how many animals are likely to be killed if the government doesn’t modify the control order?”

Mr. Chair, to date, 33 animals have been slaughtered by farmers who chose not to comply with the control order. Meat is salvaged from slaughtered animals so that the life was not wasted. It is possible that more farmers will come forward, but given that 36 farmers are actively involved in meeting the testing and fencing requirements in contrast to the three individuals who chose not to comply, we don’t anticipate many more additional animals being destroyed due to the requirement for fencing.

The last question on the wild and domestic sheep and goat separation control order from the Member for Lake Laberge — I quote: “To that end, as well, if there are animals that the owners are going to have to destroy because of the wording of the control order, is the government prepared to modify that control order to give them more time to comply with the provisions of it and not result in them having to destroy stock?”

Mr. Chair, assistance is available for anyone affected by complying with the order, including covering costs for inspections and animal testing. There is also financial support available until January 1, 2020, when the control order comes into force for improvements to fencing and compensation for damages or losses incurred. The language of the control order remains flexible to respond to the unique features of individual farms in Yukon while meeting the objectives to reduce the risk of direct contact. The control order also allows flexibility around testing requirements to allow the Government of Yukon’s approach to adapt to emerging knowledge about this disease risk.

At that time, the time had run out, so I didn’t have a chance to respond at the time. I’m happy that we got back in a timely fashion to answer the member opposite’s questions. At this time, I will cede the floor to members opposite for further general debate questions.

Mr. Istchenko: I don’t see that we have much time here, but I guess I’ll get on the record today that I want to ask the Premier about campgrounds.

With respect to the government’s proposed fee increase for campgrounds — a jump from \$12 to \$20 per night or \$50 to \$200 per season — that’s no small increase. I would like to see if the Premier could please outline how the government came up with these increases — where those numbers came from.

My other question is: Is the Premier considering having a fee for seniors — Yukon residents who are seniors — to use the government campgrounds? The other one is: When the results of the survey come back and you look at the results, will the government consider scaling back these big campground fee increases if the results say to do that?

Hon. Mr. Silver: I have a little bit of time here, but what I would like to say as far as Yukon park strategies and

regulations is that we have shared a draft Yukon Parks strategy this fall for comment, and we will be incorporating feedback into a final strategy this winter.

I want to thank everyone who has participated so far in our engagement on parks and campgrounds. It's very clear that they are an extremely popular subject matter with Yukoners. As the demand and the expectations grow and evolve, it is definitely a good time to take a more long-term look — a strategic look — at the system of territorial parks and campgrounds in the Yukon.

Proposed actions would include building a new campground near Whitehorse, testing a reservation system for selected sites in some campgrounds, and also encouraging more year-round use of parks and campgrounds.

Again, the purpose of the strategy is to provide guidance on how to sustain and improve our world-class system of territorial parks and campgrounds. The member opposite talked about some very specific initiatives. Again, I would urge him and any other Yukoner to find out more about these engagements that are ongoing as we speak and also the results too on engageyukon.ca.

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

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

Motion agreed to

Chair: Committee of the Whole will recess for two minutes to allow a witness to appear.

Recess

Chair: Order, please.

Appearance of witness

Chair: The Chair would like to welcome, on behalf of the Committee, the Chief Electoral Officer, Mr. Maxwell Harvey. Mr. Harvey is here to discuss matters related to Bill No. 4, *Act to Amend the Elections Act*, pursuant to Committee of the Whole Motion No. 1 adopted on this day.

I would ask all members to remember to refer their remarks through the Chair when addressing the witness, and I would also ask the witness to refer his answers through the Chair when he is responding to the members of the Committee.

Please begin your remarks.

Witness introduced

Hon. Mr. Silver: I will be very brief. I would like to also introduce and thank the Chief Electoral Officer here, Mr. Maxwell Harvey, for being in the Legislative Assembly today.

This Sitting, we are debating Bill No. 4, entitled *Act to Amend the Elections Act*. In his role as Chief Electoral Officer, Mr. Harvey has been very much involved in getting us to this point. I understand that there was a request from the Leader of the Third Party to have Mr. Harvey appear to answer questions related to Bill No. 4 and we are extremely happy to accommodate that request.

I will note that representatives from the Hospital Corporation and the Yukon Workers' Compensation Health and Safety Board will appear later this Sitting, as they do each and every year.

We are pleased to be bringing forward a number of amendments to the *Elections Act* which have been recommended by the Chief Electoral Officer as part of the ongoing work by Elections Yukon to update and manage the elections process. These amendments are focused on removing data-sharing barriers between Elections Yukon and other public agencies and creating systems needed to better implement the permanent register of Yukon voters, which was established in 2015.

Finally, the changes also include improvements to the registration and voting process. Yukoners will have access to clearer, more flexible and convenient options — a key change that will expand the options to vote by special ballot to all Yukoners, which will provide more flexibility and convenience.

With that, again, thank you very much to Mr. Harvey for being here today.

Chair: Mr. Harvey, you may begin your remarks.

Mr. Harvey: Thank you, Mr. Chair.

First of all, I very much appreciate the opportunity to speak before you, and I would like to acknowledge the insight and support of the many stakeholders that got us to this stage. It has been very positive. It has been exciting and of course interesting.

A few introductory remarks, if I may, to provide some context and perspective on the proposed changes contemplated by Bill No. 4 concerning the register, the revision process, and special ballots. Part of my mandate as an independent and non-partisan House Officer of the Legislative Assembly is to make recommendations to the House, as we know. The last Chief Electoral Officer recommendations were in 2015, where significant changes were introduced to support a move from a paper-based list of electors to the permanent register, to eliminate the proxy vote, and to expand special ballot access. There were a number of other initiatives as well. These changes before us today build on those initiatives. Since then — since 2015 — there is much new information. Required technology to implement those changes have been identified and the process alignment is better understood to further evolve our processes.

The Elections Yukon strategic —

Some Hon. Member: (Inaudible)

Point of order

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

Ms. White: I apologize — it just appears that we're working on the microphone and getting it turned on. If we could just take a quick second.

Chair's ruling

Chair: I believe they are trying to address the issue.

Mr. Harvey: Mr. Chair, thank you very much. Again, I thank you. I appreciate the opportunity to speak before the House. I would also like to acknowledge the insights and support of the many stakeholders that were needed to get to this stage. It has been positive, exciting, and interesting.

A few introductory remarks provide some context and perspective on the proposed changes contemplated by Bill No. 4 — the register revision and special ballot. Part of my mandate as an independent and non-partisan officer of the Legislative Assembly is to make recommendations to the House. The last CEO recommendations were in 2015, where significant changes were introduced to support a move from a paper-based list with a permanent register, to eliminate the proxy vote, and to expand special ballot access.

There were also a number of other initiatives in 2015. The changes before us today build on those initiatives. Since then — since 2015 — there is much new information. Required technology to implement the register has been identified and the process alignment needed is better understood.

The EY or Elections Yukon strategic plan is about the journey to further evolve to a modern, convenient, and trusted electoral process. We wish to inspire 100-percent turnout. The mission is institutional readiness, voter-centric focus, and delivery of fair, impartial, and compliant elections that foster public trust and promote participation. To that end, our work at Elections Yukon aligns with and is measured against, four strategic pillars: those of integrity, access, modernization, and readiness. Each has many components to consider, but at the end of the day, I wish to put my hand over my heart and know that we have done all that we can to ensure the integrity of the vote — that a qualified electorate gets a ballot that is kept secret, that is counted as intended, that the results are accepted, and that we have taken measures to ensure the compliance and transparency of that process while remaining vigilant to the risk of potential or perceived irregularities.

Our focus is also to remove barriers and facilitate access, registration, information, and turnout where there are under-represented groups, physical barriers, awareness barriers, and process barriers. To that larger plan, we operate under three overlapping horizons: (1) to address gaps in our current processes; (2) to further mature as an electoral institution in transitioning from an event-driven process to one where they are process-driven events; (3) to look beyond to the next election to improve processes; and (4) to respond to growing expectations. It is a major undertaking. Our approach is to be proactive, realistic, and very mindful of fiscal stewardship and its link to capacity and allocated resources. Integral to that is ensuring that the Legislative Assembly is aware of our activities and any opportunities and risks that we consider appropriate for your consideration. We want to keep you informed.

With that, a kind of overview or summary of the changes and what they mean — first of all, the permanent register. The challenge is that a permanent and continuously updated register is based on data sharing. It is needed for the complete and accurate information needed to create lists. Right now, the current requirement is for individual written consent given or

provided to the Chief Electoral Officer to allow public bodies to share this information. We are the only jurisdiction in Canada to have an opt-in process for data sharing. Without the data sharing from public bodies and others, the lists will not improve dramatically, as data collection in an opt-in process is ineffective, labour intensive, expensive, and complicated. We wish to align with best practices and produce a meaningful list of electors.

Also, in the permanent register, there is no provision to allow First Nations to share information. We wish to provide that information to Elections Yukon to ensure that their First Nation electors — their citizens — are on the list. I have had discussions with a number of First Nation leaders to discuss electoral participation for their communities and their citizens as being under-represented in participation. Like we do for youth, we want to make sure that we support full participation. Being on the register is a very important aspect, as you get a personalized voter information card, you know the processes, you get information, and therefore you're more likely to vote.

So, data sharing — and I would like to make this clear: The purpose of data sharing with public bodies is to allow us to update our data. It is not to automatically add every Yukoner onto a list of electors. Obviously, there are many in the data — we do not know their residency; we don't know if they're Canadians and such.

Our list begins with the electors we have from the enumeration process of 2016. That hasn't changed. That, right now, is our list. We are getting information now from Elections Canada to incorporate into that list. We will use the registered personnel on the enumerated list from 2016 plus what we get from Elections Canada to build our list. We will only use the data we get for the people who are registered and on the list. If you're not on the list, people will still have to register to vote.

The legislation is to remove individual consent requirements for data for electoral purposes. This will require public bodies to share data. An MOU — a memorandum of understanding — and information sharing agreements have already been discussed with the principle agencies. So, we want to share with public bodies and we also wish for electoral authorities to include First Nations to allow, on mutual agreement, exchange of elector information. The provision would remain — as it is currently — that people can be removed from the list of electors. That is unchanged.

The outcome of this permanent register is integrity — the right people get the ballot, we know who they are, and we have the right information so we can track the processes. There is transparency and accountability.

We all know how close the votes are in the Yukon and how the weight of all the votes — 15 of 19 district MLAs were determined by less than 100 votes, so we want to make sure the right people get their votes.

Also, there is access and greater engagement by being on the list. We expect a list that is more meaningful and more complete. Obviously, the more accurate the list — it also supports political parties and candidates to get their information and platforms to the electorate and to support their "get out to vote" efforts. We know that 5,800 of those registered did not

vote. Many, we believe, did not know they were registered or did not receive the information. Obviously, registration supports democracy and is a standard process.

The revision process is the second big change. We looked to align the dates of revision with the production of a list of the electors. The challenge was that the enumerated list was very outdated and inaccurate. It was incomplete. There were many errors and duplicates. There were many homes that the enumerators could not get into. Tracking was very problematic. Candidates — when they went to doors — after the enumeration, they knocked on doors and asked, “Are you registered?” “I don’t know.” “Here, fill out this form. I will register on your behalf.” So, they were getting lots of information about electors which were double and triple entries.

The other aspect of revisions is that, if they didn’t make the revision which went to day 19, they could have an opportunity during the special revision which went for eight days minus one day at different hours where they could just add their name. They could not make any corrections. So, after day 19, full revision was done. People could be added. That was it.

What we look to do with this change is to extend the revision period from 19 days to 21 days — full revision. The second aspect is — because after the full revision, you have the advance polls, you have the special ballots, and you have ordinary polling day. There is lots of opportunity to update the full revision — add, correct, remove electors. The special revision period — which was problematic and had all these dates and was very limited in scope — is not required. Electors can update their electoral data right up to the 28th day and then again at the polls.

The revision looks to create four lists — very important for our election officials and for candidates. The preliminary list — which will be the list of electors at close of nominations — revised. This is the one updated from all the revisions, which will be used at the advance polls. We will do an official list which will capture all the changes that have taken place since the advance poll — all the advance poll information — all the special ballot information — will create an official list which will be used for polling day. That list will close on day 28. On day 28, that list will be complete, unchanged, and when we hand it to the poll officials, it is as accurate as can be.

The proposal we look to do is to extend poll registration to day 21 from day 19 — as I said, for advance poll readiness — in special revision — as unnecessary and confusing — and after day 21, continue full registration — still possible when they apply at the different voting opportunities, special ballots, advance poll, and ordinary poll.

I will note that they can update their registration online, so we hope to get a lot that we missed captured into our database.

The outcome — a clearer, more concise, and efficient process. The integrity supports the list accuracy because — right now — you had lists being produced that were given to poll officials while voting was still ongoing at the returning office as special ballots. The lists, as soon as they were produced, were inaccurate because you couldn’t trust them as being correct because of this activity going on behind, which is

an important integrity issue — so the access and more opportunity to register, update, and correct the information.

The third was special ballots. Special ballots had some dramatic changes, even in 2015. Despite that, to expand the categories of special ballots, they were still considered restrictive in use, with multiple dates and timelines, which makes them difficult to follow.

There was also an integrity issue, as special ballots were allowed up to a year before the polling day — and even during polling day with special ballots. This was a change which was not in effect in 2011 but was made in 2015.

You had five or so different application timelines and six or seven categories, but notwithstanding all the categories and timelines, if you declared yourself an absent elector, you had a potential voting window that lasted a whole year and right up to the close of polls to get a ballot as an absent elector. An absent elector was someone who was reasonably believed not to be available to vote at advance or special polls, or advance or ordinary polls.

We felt that this needed tweaking to make the process clearer and fairer and to provide greater access and to, most importantly, not compromise electoral integrity. The special ballot process takes longer. There are forms, envelopes, and signatures, so we are aware of the workloads on ROs, especially near the opening of the polls during an election, the opportunity cost at critical times, and the expectations that, with the more open process, there will be more electors who use special ballots as a convenience or just because they want to be sure that they get their vote in and not have to declare that they were part of a special condition.

So, the actual elements — we would remove the categories — special ballots — just another way to vote. You don’t have to give a reason to do that.

There were two types of special ballots — one normally handled at the RO offices for local, which is unchanged, and another that we were modifying and tweaking a bit as interjurisdictional ballots, which we would move from the RO’s responsibility to Election Yukon’s responsibility. This made it easier if someone applied online. Elections Yukon would send it out, and they would send their ballot back to Elections Yukon to count that special ballot without having to go to the RO office.

Right now, in the old process — the current process, I should say — if you wanted an interjurisdictional, you went in there and you were not allowed to take your ballot out. You had to do it there and you couldn’t reflect, and then the RO was responsible to make the notations and get it to whatever district in whatever part of the territory it is to make it in time. It was very problematic and put a burden on the ROs for the tracking, the accountability, and the continuity of the votes. We want to take that away. We will do that in the elections headquarters, and we will provide a statement of the vote to those returning officers as part of their statement of their vote for their count. They will still give all the results. We give no results of that vote; that goes to the RO, but we would handle that. We have a different coloured envelope for that.

Voting by incarcerated voters is another change. Just to be clear, incarcerated voters could only vote by special ballot. They couldn't go to the polls.

Clarified special ballot rules for communities with less than 25 electors — there was no measure. The rule said that, if there were 25 electors or fewer, you must vote by special ballot. Well, what does 25 or fewer electors mean? I have to do a survey. I have to ask people coming in and out who is coming and who is going. We just said that we will make them registered voters so that, if they are registered, at least we have a measure and we can say, "You are required to vote by special ballot." That isn't a change other than just to identify that count. There are three communities that are subject to that clause right now: Eagle Plains, Keno City, and Stewart Crossing. I have met with the Bureau of Statistics to see if there are more or any on the verge to make sure that there is a ramping up on that, but they could not vote at advance polls or at ordinary polls in their electoral district right now, according to the legislation. That is unchanged. It may be something for another day.

The end of special ballot applications was for all special ballot applications to be moved to day 28, because we had day 17, day 24, and day 31. We made them all the same as day 28.

The absent elector provision previously allowed you to go — just absent electors — to day 31 — close the polls. This was for absent electors. We felt that, on polling day, if you are there to get an application, you're not absent; you should vote. As a matter of fact, in 2015, the 2011 special ballot application said that you could not get a ballot on polling day when the polls opened. We kept that, and we've moved it to day 28 so that, on day 28 when the final ballots are done, we produce a list that is absolutely pristine. We know exactly what it is, and the voters can use that. They still have until the close of polls to return their special ballot to the RO or to elections headquarters as appropriate.

The other element of that was the pre-writ period issue of the special ballot which, in the legislation, said that, after the fourth anniversary of the previous election, people could be issued — and vote by special ballot.

Some Hon. Member: (Inaudible)

Mr. Harvey: Yes, this we asked you to do to repeal, and the special ballot would only be issued after the writ. That was to simplify the special ballots and make them more convenient, and it expanded access. I know that there were concerns raised in the Legislature last week, which I'm very prepared to address, but this summarizes our concerns, our approach and rationale for how we can best administer elections and serve the electorate.

Thank you. I look forward to your comments and questions.

Mr. Cathers: I would like to thank the Chief Electoral Officer for appearing to answer questions here today.

I do have a number of questions related to this legislation, particularly with regard to the changes around the development of the registry and the changes that are proposed here in the legislation to deal with that. I understand, of course, that the legislation, after coming into effect in 2015 — and the actual experience that Elections Yukon had with it — may not have

aligned with what was anticipated at the time of drafting, thus leading to changes being developed.

Around information sharing, I would ask two questions related to that. First of all, can the Chief Electoral Officer confirm that, prior to this bill coming into force, Elections Yukon was still able to receive information from Elections Canada related to voters lists to enable an update? Can he please elaborate on how frequently Elections Canada provides list updates to Elections Yukon?

Secondly, related to that, when there are updates provided by Elections Canada to Elections Yukon, what is the process for error checking the lists received from Elections Canada?

Mr. Harvey: First of all, we do have a data-sharing arrangement with Elections Canada. We have been providing them with data. We only recently asked Elections Canada for some downloads as we look to implement our permanent register — because previously, no election data was shared with Yukon. All of our list of electors was done by enumeration.

We don't have all those processes down. We can get data from Elections Canada and we can get it on request when it's available. Normally, they need a month or so lead time.

I'll just say that Elections Canada's data is good. They have good coverage. There are concerns across all jurisdictions about the quality of that data. One of the things to remember is that Elections Canada looks at Yukon as one big district. So, some of the address issues they have — the serious address issues — are not fully addressed. There are lots of errors in addresses — to put electors in the right electoral district. That's something that we're working on right now to try to do that so we can prepare lists to issue to the political parties and the MLAs. We're not there yet. We're still getting the framework. We're still trying to do that.

So, errors — how errors are looked at — when we get a download from, say, Elections Canada — if that's going to be our primary source — we will cross-check that information with public body data. That is the whole secret — that is the magic of shared data. People who change addresses, change their names, move in, move out — then we get that data in the right district in the right time — so it's accurate and it's complete in that regard.

It would be very problematic just to use Elections Canada data and say, "Elections Canada, we don't need to collect any information. We'll just use your data." That would be very problematic for the addresses and the eligibility of electors because we don't — theirs is different — and making sure that things were correct. So that would speak to Elections Canada being an important source but not the only source of electoral data that we use.

That cleansing that you asked about — how do we clean that data? It's done by the technology of this system that we've just recently acquired and are working to implement. That does all the comparisons — pop up conflicts — and we will examine each of those conflicts. We will also engage returning officers to help make sure that this is correct as well.

Mr. Cathers: I appreciate that information. If the Chief Electoral Officer could just explain to me as well — the changes in the act, as I understand it, and please correct me if I

have missed something in this — in Bill No. 4, some of those changes relate to requiring disclosure from public bodies, including municipalities and Yukon government departments that, in the current act, are allowed for, but require consent on the part of the elector before that information can be shared. Elections Yukon identified that as problematic. Since we were previously, as I understand it, able to receive the data from Elections Canada — and that was envisioned at the time of the act being passed in 2015 — is it because of needing to error-check that data and not being able to without compelling the Yukon government public bodies to disclose information that has prevented us from seeing updates to the current list based on the data from Elections Canada, even if that was the only data we had?

Mr. Harvey: Mr. Chair, the Elections Canada data is good. It is problematic. So, it is something that we obviously have to compare to validate and confirm. Mobility in Yukon is fairly high in certain populations — in transients. We need that data. Elections Canada will not have data. Elections Canada will say, “The best people for your data is the actual jurisdiction that owns those people who are there.” They want our data, because they know that their data isn’t the be-all and end-all. It’s good, but it is not where we need to be. We need that collaborating, validating, and confirming data to produce the best list of electors as possible.

Mr. Cathers: Thank you. I appreciate that. On the same topic — going forward, with these changes outlined in the *Elections Act* — assuming that Bill No. 4 passes in its current wording, could the Chief Electoral Officer elaborate on — once those provisions on data sharing are in place and when it comes to error-checking — just how does that process work?

I am just going to give an illustrative example of where there may be challenges between looking at the Elections Canada data and looking at the territorial data, and then — pardon me; I should distinguish. Let me start that again, since I think I didn’t frame that in the clearest way.

If you are looking at compiling various data sources, there is data from Elections Canada, there is the existing permanent register of voters — based on the last territorial election — and as well, information coming from public bodies, including Yukon government departments. Breaking this down to the human level where it affects individual voters — looking at it, say — for example, I will use the example of my riding in the Ibex Valley in the last election. The Yukon government had just recently finished civic addressing in Ibex Valley. Not everyone had converted over to that. Some people had the election register from the last election — including constituents of mine in Ibex Valley who were enumerated using different types of address identification. So, there are people on the current list of electors, based on the 2016 election, who put down their lot number. Other people put down their mileage number on a road or their kilometre number on a road, and some used their civic address.

So, in terms of somebody trying to understand how those fit together — that is very confusing for somebody who doesn’t know the area, but I would imagine — and please correct me if I am wrong on this — that it may pose a challenge in trying to

track the change when people have moved within the Yukon and potentially having different addresses for the same individual contained within the Elections Canada information — depending on whatever information it has for the people there — and in Elections Yukon — potentially having them either by their lot number, their civic address number, mileage or kilometrage — and then government department data which might have them down on any one of those bases, contained with the Elections Yukon list — and then realizing that people move from place to place.

How does the process look to error check and determine if Joseph Smith, who is on the list in Ibex Valley, has actually moved to Copper Ridge to a different address or moved elsewhere in Ibex Valley? How do you make that identification and determine which — whether you’re unintentionally merging all these datasets and potentially either dropping people off the list who are entitled to be on it or adding somebody to the list more than one time, as the Minister of Highways and Public Works was talking about in terms of another government information system last week — what’s the process for going through that — those potentially competing sources of data — and determining when you are dealing with new people who weren’t on the list and when you’re dealing with duplicate addresses or a different address referring to the same person?

Mr. Harvey: Geomatics, geography, and addressing is a huge concern of all electoral authorities. This is what makes the permanent register so valuable. It is because we use that data from the different sources. We’re saying Elections Canada, but I also would say, potentially, municipalities, First Nations, and public bodies. We do targeted revision. We’ll have some other information. We’ll have electors doing updates on that. We’ll have online updates. We take that information.

How the actual technology works is that we will update our register from the information we get. We will download information that we get securely from the public bodies and from Elections Canada. That will all go into the VoterView DataFix processing technology. This company does the same electoral management for six provinces, and they have done hundreds and hundreds and hundreds of municipal elections controlling this data. I visited them while I was on leave in Toronto to get those assurances as well.

They will take all that data, and they will see address XYZ Main Street. They will have all 10 electors that come up at XYZ Main Street. They will say, “We have this name. One is Billy Bob; one is Bob Billy; one is Robert.” They can look at that and say that this is a conflict. It’s an unresolved elector. They will have all the data matches. It’s easy. This is a confirmed elector. It’s updated. If things don’t go in line, then it has to be manually checked to ask if it is right. From that check, we say, “The same name is at milepost 104, box number 208, and at lot 7.” That individual look to get that clarity is there. One of the things about that sharing is that we will get the last date of update, so we’ll know the most recent date.

There are still big problems in the geography. People have civic addresses and don’t want to use them. We’re working

with EMS, and we're working with geomatics and the Yukon government to try to resolve those.

There is technology to automatically cleanse the data. They will do data matching and such, and there is also the Elections Yukon interface to make sure that they align so that, if someone is on the list of electors, we have confidence that it is the best information that we have.

Mr. Cathers: I appreciate the response.

The Chief Electoral Officer, in his opening remarks, made reference to ensuring that the right people get the ballot. Particularly when we are talking about the potential — if things don't go according to plan, I am recognizing the explanation that the witness provided as far as how they try to get the list clean. All systems are imperfect for doing that. There is always the potential that, despite best intentions, there is a mistake made due to things, including people, moving around the territory, leaving the territory, and so on and so forth. That leaves me with a few questions, including whether there are changes to the requirements for identification that are outlined either in this legislation or that are being contemplated by Elections Yukon. The federal government — Elections Canada, I should say — requires identification to vote. Does the Chief Electoral Officer see, through this legislation being implemented, a change to the information that people have to acquire to be able to cast a ballot? Simplifying that question down, are you going to have to, when you show up at the polls, like you do federally, provide some proof of identification or simply say, "I am who I say I am"? If there isn't a requirement around identification such as the federal government has, does the Chief Electoral Officer think that we should be looking at one, and if not, why not?

Mr. Harvey: Identification is always an important aspect because you want to make sure that you give a ballot to the person who is entitled to receive that ballot.

There are two process for identification. One is that you use ID when you register, and then you don't show your ID — you just say who you are at the poll and vote, which is the Yukon experience. The check is that, if the scrutineer says that they are not sure you are a resident in this district, then they make a declaration.

The other aspect, as you say, is that — with Elections Canada and many jurisdictions — you can register as Mickey Mouse, they will register you, but when you go to the poll, you show ID that says you are Mickey Mouse before you get your ballot.

For our purposes, there is no look to change the identification requirements or the process for the front-end identification as opposed to an at-the-poll identification.

If anything, what I would look to is to expand identification potentially to allow voter information cards or a letter from a notary to expand it if somebody didn't have the right ID, but I will say no changes to ID requirements at this time.

Mr. Cathers: If the Chief Electoral Officer could confirm, that means that effectively the provision for ensuring that somebody doesn't vote fraudulently is left to the scrutineers, which would also potentially — if somebody is swearing in at the polls — create a potential problem, would it

not? Someone could live in Whistle Bend and show up and vote in that polling district and subsequently go to Riverdale South, hypothetically, and also swear in at the polls. What is the process for really tracking that or determining whether John Brown, let's say, attempts to do that? How is that then caught either at the time or after the fact?

Mr. Harvey: Voter integrity is obviously very critical. There is a certain honour system requirement, and what the legislation needs to do is make sure that they minimize the risk of potential or perceived fraud or voter irregularities.

The way with the new register, which is a huge improvement over where we were, is that, because of the processes, all the returning officers will have their list of electors electronically, and they will be able to update when they get special ballots. They will be marked off as being issued as a special ballot, which means that they have voted. The advance polls will also be marked, so they will not be eligible for a ballot.

Somebody still can declare that somebody voted in my place and that there is a potential imposter, and you can vote. If your name is crossed off, you can have that declaration.

The move to instantaneous "You voted, you're checked off and everybody knows it, and it's on every list" is something that the technology — when I talked about looking forward — is something that we can aspire to and work toward. Some of the things that we look toward is — one was basically kind of a vote-anywhere system where, as soon as you vote, somebody on a computer says that you voted and then everybody knows that you voted.

There is no gap between "You vote here and I write you in my book" and then you go with another ID and say, "I'm voting in this district." We still don't have every potential, but the overall integrity is improved with the lists that are more accurate in their establishment and more accurate in their updating about who has voted, who has not voted, and who is entitled to vote.

Mr. Cathers: I do appreciate the information provided by the Chief Electoral Officer.

When it comes down to potentially — as he touched on in his answer related to someone — if they were to vote fraudulently, that someone else could complain that somebody else voted for them — one question I would have is: What happens if there are issues in voter turnout and someone, for example, doesn't know that someone voted on their behalf? It is the question of the checks and balances. If someone is away and someone else knows that they are away and chooses to fraudulently show up and claim to be their next-door neighbour — (a) what are the checks and balances to actually catch that, and (b) what would the fines be in that area for that type of breach of the *Elections Act*? Are there any changes in this act that increase the fines or penalties either for voters who vote fraudulently or candidates who violate the *Elections Act* — as we saw with one candidate for the Liberal Party in the last territorial election?

Mr. Harvey: Obviously, voter integrity is critical. If somebody is believed to have voted fraudulently, then obviously that would be raised by the scrutineer or by the

returning officer — or whatever — and an investigation would happen. That would be the process. If that was material, a judge would have to potentially decide what the outcome would be of that potentially fraudulent vote.

This act does not contemplate any change to the overall process. It is limited to the register, the revision period, and the process for special ballots.

Mr. Cathers: Thank you, Mr. Chair. I appreciate the information.

So, the Chief Electoral Officer — I believe it was in his opening remarks — made reference to wanting to see 100-percent voter turnout. Of course, that is a goal that many of us would like to see — increased voter turnout.

While I personally don't think it will ever get to 100 percent — and in fact we have good voter turnout compared to other parts of the country — I do agree with providing more opportunity for people to cast a ballot.

To that end, we see changes in this legislation that remove the ability to cast a special ballot before the writ dropped, and functionally, because of the coming into force date of the bill passed in 2015, I believe it was roughly three months prior to the last election that people were able to cast a ballot — that the specific wording in the current bill, as the Chief Electoral Officer made reference to, refers to being after the fourth — that section currently refers to the ability to obtain a special ballot under the section — an elector must apply "... (a) to the returning officer for the electoral district, within the first 31 days of the election period; or (b) to the chief electoral officer, at any time that is (i) after the fourth anniversary of the most recent general election before that time, and (ii) not in an election period."

So, that of course is the current section 98 of the *Elections Act* which this bill seeks to amend. The potential impact is that we know that 206 electors — according to information provided to us by Elections Yukon — did choose to exercise that new opportunity for early voting in the last territorial election. We don't know of course how many of those voters would have voted during the election and how many would have been unable to cast a ballot — 206 votes of course is more than enough to potentially materially change the impact of an election, depending of course on who those votes were cast for — which again is something that none of us do know. But the margin of victory of course in territorial elections would see — I believe it was a total of 10 seats where a change of 60 votes or less could change who is sitting in them.

Any changes that potentially disenfranchise someone or reduce an opportunity to vote is something that we are concerned with. I understand certainly the philosophical debate which may occur on whether someone should cast a ballot before the writ or not. In discussions that I have heard — and I am not going to ascribe them to any members particularly — but I have heard the suggestion made that the reason to get rid of it is that you should know who you are voting for. The current provisions — as I understand it in the *Elections Act* — correct me if I'm wrong, but I don't believe they are being changed by this bill — result in nomination day being, I believe, day 10 of the election period. So, until the close of

nominations has occurred, anyone who votes by special ballot during the writ period or before the writ period — if they are writing in the name of either a candidate or a political party — to have their vote counted as valid, there is the potential that the candidates to choose from change a third of the way through the election period. I would hope that no one is suggesting not issuing special ballots until nomination day, which would cut another 10 days off the opportunity to vote by special ballot.

The first question I have regarding these changes is — the provisions that are in the current act were recommended by the previous Chief Electoral Officer. At the time, they were unanimously supported by the Assembly. I looked through my notes to see the copy of the legislation that we took to discuss with the Members' Services Board and confirmed that the information we provided did clearly include the current wording of the *Elections Act*, where it gives the Chief Electoral Officer the ability, after the fourth anniversary of the most recent general election, to issue a special ballot — which, functionally — because of it coming into force three months before the last territorial election, special ballots were issued and 206 people cast a ballot that way.

My question with that is: In leading up to the changes in this current bill, did anyone express concern with the current provisions in the *Elections Act* during consultation with political parties and stakeholders? If so, who outlined those concerns and what were those concerns?

Mr. Harvey: One of my aims in coming here was to impress upon the House the Elections Yukon commitment to integrity and access.

In 2015, when the *Elections Act* was changed — which introduced this one-year period before the polling day — when we looked at that, we said that it set off alarm bells for Elections Yukon. This is why. It wasn't to deny access to people who wanted to vote up to a year early. It had to do with integrity and access.

Let me just say that the integrity concerns are that, if you can vote a year before polling day, here are some concerns. First of all: When is polling day? We don't have a fixed election date — and even if we did, polling day could be before or after that fixed election date. So, what that could mean is that somebody, a year in advance, could say, "I'm voting for — as an absent elector, I want my right before the writ to vote. Here it is." You vote, and two months later, an election is called, and you're not an eligible elector because you aren't here for one year on polling day. You might be there a year — if it's at the fixed election date, you're not an eligible elector. Your vote would not count, and I — as Chief Electoral Officer — would not support that.

The second element of that — which speaks to integrity — is a year in advance, you say, "Hmm, I think I will vote now. I live in district X. Now, I'm moving next month to district Y. Where shall I vote?" There is a question of residency a year and a half before your vote when the legislation says that you vote at your place of residence on polling day. So, you could strategically move or not move to be in a different district. You could even vote and the next week move to Ontario and be a

citizen or resident of Ontario a year before the election is held and have your vote count.

So, when I looked at the integrity of the long lead times with no fixed election date and the residency concerns — that needed to be fixed. It wasn't to deny — man, if you could vote a year — I'll just add that the reason that it was only three and a half months or so before the writ period — that 206 was only 206 and not the three-month period before — is because, when the legislation was passed in December 2015, there was a six-month implementation period. So, you weren't allowed to get your votes even though your one year was ticking. So you only got that chance in July, three months before. But, man, if you could vote a year in advance and not be constrained by residency or qualification as an elector — a lot of people would take it just for the convenience. So those were some of the reasons why we were concerned about that.

The other thing that weighed on us, and me, was that, in Newfoundland, the Supreme Court heard a case of a candidate in 2011, who lost by 10 votes. This candidate went to court and said, "If it wasn't for early special ballot voting, before even any candidates were named, I would have won that election." She went through the court processes. The Supreme Court of Newfoundland determined that it was an infringement on her *Charter of Rights and Freedoms* to be fully considered, and although they didn't overturn the election — because it was just a few years ago — it was found that it was unconstitutional against the *Charter of Rights and Freedoms*.

As a result of that ruling, Newfoundland elections were required to only issue special ballots — as the member mentioned earlier — after the close of nominations. So, to accommodate the mailing times and such, they had to shorten the nomination period to give an extra couple of days to allow special ballots. That was a concern, that this was a trend — watching special ballots — not to open it up further and further. The trend is to be mostly within the writ period. So, it wasn't to deny — it would be very convenient to say, "I'm absent. I'm going to school. I want to vote a year in advance." But for integrity purposes, it could not be supported.

Then, if you say, "Well, why just absent electors? Why not every elector, then?" Because I could be absent — it could be that every single elector could vote up to a year early, and then your whole electoral process — I don't know what happens to it, but something will happen to your whole sense of democracy and process if you have these extraordinarily long lead times to be able to vote — regardless of the convenience, and people would like to do it — so that was the concern.

Those were the driving factors for us to correct that integrity potential for that voting option and to support voting within — with the online special ballots — we looked to make a very fast turnaround by centralizing it in election headquarters instead of the returning office, to get those ballots out and get them back so that people can have their vote count. They have 31 days to do it.

We believe that the systems are there and the processes are there to allow it and to support that, Mr. Chair.

Mr. Cathers: I appreciate the concerns expressed by the Chief Electoral Officer. I do have to note, as well, that we are

seeing what appears to be philosophical differences between the previous holder of the office and the current holder. I am not in any way, shape, or form trying to diminish the Chief Electoral Officer's concerns. Our concern, of course, is that the changes here — functionally speaking, there's a medium ground between potentially a year before the election and landing on what the status quo was in 2016, which was that people could and did vote three months before the election because of the coming-into-force date. That certainly would be another alternative.

But one concern we have is the question of when the public gets to express their views on it. I don't think that any one of us in this Assembly — whether elected or appointed as an officer — knows the circumstances of those 206 voters from 2016 and how many of them would have voted through another mechanism or would not have been able to vote through another mechanism. I know that, in some cases — from people who I am aware of and cast a ballot early — included people travelling on vacation across Canada and students who were going back to school who found it convenient to do that before they left for university.

The question I have around there is public consultation. Recognizing that Elections Yukon is very focused on being election-ready for whenever the writ might drop — however, because of the wording of that section of the legislation — if the current government decided to drop the writ sometime next year — let's say in September, hypothetically — if that were to occur — because the legislation doesn't allow special ballots to be issued until after the fourth anniversary of the last elections past — if the election is held next fall, there would be no pre-writ special ballots. They would simply not exist.

That leaves me with the question as to why it would not be possible — and appropriate, in my view — to, if the Legislative Assembly, once we get into line-by-line debate on this legislation, were to decide to drop the provisions of this bill that abolish voting by special ballot before the writ is dropped and were to decide to go out to public consultation on those provisions to ask those 206 people and others what their views on special ballots are and whether special ballots should only be issued on the day the writ is dropped, whether they should be issued three months prior to the election like they were in 2016 or some other variation. If those provisions were put to the side and public consultation occurred either as part of the electoral reform process or directly under the control of Elections Yukon or through some other form of consultation — my point is that it would seem to me that there is no urgency to pass that specific section of the bill.

I recognize that there are other parts of the bill that, based on the information Elections Yukon has provided, you wish to have in place by early next summer so that you can make changes around lists and so on. The changes around special ballot voting only become an issue if the government passes the fourth anniversary of the last election. Otherwise, it becomes a moot point. It would seem to me that, from a public consultation standpoint, if the Legislative Assembly were to either ask Elections Yukon or ask a commission to consult with Yukoners on whether they thought pre-writ voting by special

ballot should be eliminated, restricted, or changed in some way, it shouldn't prevent that legislation coming back either during the Spring Sitting or in the Fall Sitting of 2020 if the public supported the changes that are proposed in this bill.

I would just ask if there is something that I'm missing on that. If Elections Yukon were asked to do public consultation on this specific provision, what sort of resources and time would be required to consult with the public on whether to eliminate pre-writ voting by special ballot, restrict it, or do something different with it than is either in the current *Elections Act* or proposed within Bill No. 4?

Mr. Harvey: I'll go back to integrity. My recommendations as they pertain to this *Elections Act* are not to change that kind of range. Mine are to abolish it, and I would say to abolish that pre-writ option to vote completely. That would be my view, and it is to correct integrity issues, and it is as flat as that.

I would say that the 206 voters, to their credit, wanted to vote and they were anxious to vote. They voted, so that is very good. I would also point out that, if you count the people who did not vote and the people who are not registered and not included, there could be, depending on how you count it, 8,000, 9,000, or 10,000 people whom we did not capture. That has been a big focus of where we want to go with this registration, the revision, and those other elements of special ballots.

I will make one point here. When we look at the voter turnout in the Yukon for territorial elections, we kind of boast that we were 76.4 percent and that we were second in the country. When you look at that in terms of how that is calculated for Yukon, it is calculated on how many voted over how many were registered. We have probably the lowest registration rate in the country. If you up the registration, which we hope to do, that percentage may drop unless we can get that turnout. That is a big focus of where we are. We want to make sure that we get those people to vote, but there is a large constituency that we want to attract to make sure that they are registered and that they have the information they need to vote, Mr. Chair.

Mr. Cathers: I do appreciate the Chief Electoral Officer's perspective on it. I am just noting, with all due respect, that it differs from the philosophical perspective of the previous Chief Electoral Officer.

What we are left asking is: When changes are being made that could potentially have a significant impact on how hundreds of Yukoners vote — more than enough people to potentially change the results of the last election — what I don't see is the harm in asking the public about this. I am just noting that I want to make it clear to the Chief Electoral Officer that I know that, in terms of the normal process for legislative development, that office is not usually expected to go out and consult with the public on it. I am just asking — and it is a question that I also pose to all Members of the Legislative Assembly — if this change is being brought forward, what is the harm in asking the public for their input on it? Considering the fact that the legislative amendment itself is quite minor, it would be completely possible to bring back the identical

legislative provisions in the Spring Sitting or next fall if the public supports what is being proposed.

But the question, with all due respect to everyone in the Legislative Assembly, is whether the public has a right to be consulted before bureaucrats and politicians decide to reduce their opportunities to vote. Since none of us really know how many of those 206 voters would have cast a ballot or not cast a ballot last time, depending on if the current act had been changed to reflect what is in Bill No. 4, it does leave us in an area where people, I think, genuinely — based on their philosophical views — are talking about changes to the *Elections Act*, but we are potentially limiting the ability for people to vote in the same way that they did in 2016. I would argue that, in my view, ultimately this legislation and Yukon democracy don't belong to any one of us more than they do to all Yukoners. I believe that this bill, the democratic structure that we have, and the Legislative Assembly itself are all institutions that are jointly owned by Yukon citizens.

So, recognizing and respecting that we may have a philosophical difference on this — and I do want to make it clear that I respect the Chief Electoral Officer's comments and perspectives on concerns about integrity of the process. I would also personally agree that, when it comes down to the potential for votes being cast a year before an election — instead of just three months like they were last time — issues around integrity of the election and people's eligibility to vote would certainly dramatically be increased if pre-writ voting was a year ahead, not three months ahead.

Since three months, a month, or a week are also potential options — again, I am left with the question — I don't see the harm in asking Yukoners what their views are on that specific part of the act. Since that portion of the law is only triggered on the fourth anniversary of the last general election, there would be plenty of time to bring back an identical change in the spring or the fall if the public supports it — or a modified change if Yukoners say, "You know what, with all due respect to Elections Yukon and to our elected representatives, we have a different view on this. We would like to see a different option."

I just want to make it clear to the Chief Electoral Officer that I am not trying to have a long philosophical debate about the merits or downsides of pre-writ voting. At this point, I am just asking for clarification. If — noting that he would recommend against it — the Legislative Assembly were to decide that they were going out to public consultation about this topic — either through an electoral reform committee, an all-party committee, or through Elections Yukon directly — how much time would be required to do public consultation and what would the rough cost implications be for that?

Also, another question that I want to add, Mr. Chair, on a different topic related to the data-sharing provisions: Was the Information and Privacy Commissioner consulted before these changes were brought forward? Has she or her office seen the text of the bill and does that office have any concerns with the legislation because of the provisions around either explicit consent or implicit consent — ones that, regarding other legislation, the Information and Privacy Commissioner has expressed some fairly strong views in the past? I would just

wonder whether that has been shared with her and what her thoughts on that are.

Under this legislation, the changes we see — I see that there hasn't been a change made to the section that requires Elections Yukon to provide MLAs and political parties with lists of electors on certain dates. Again, it is mentioned that it is just after the second anniversary of the previous territorial election and before each of the third, fourth, and fifth anniversaries — recognizing that if there is no change to the list, another clause says that the update is not required. The vision of the act certainly was that there would be updated lists available two years after the territorial election and before the third, fourth, and fifth anniversaries and that those would go to registered political parties and to each Member of the Legislative Assembly.

Some Hon. Member: (Inaudible)

Point of order

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

Ms. White: Sorry, Mr. Chair. I have read through the *Elections Act* and the amendments a couple of times. I believe that what the Member for Lake Laberge is speaking to is Standing Order 19(b) — speaking to matters other than those under discussion. I believe that it is not included under the proposed amendments to Bill No. 4.

Some Hon. Member: (Inaudible)

Chair's ruling

Chair: Thank you. I think I have heard enough, Mr. Cathers, on the point of order. I would ask that you direct your questions to the witness and not engage in debate.

There is no point of order. Carry on, Mr. Cathers.

Mr. Cathers: Thank you, Mr. Chair.

What I am asking here is — in this section of the legislation — does Bill No. 4 provide the ability to Elections Yukon to then fulfill the vision that was outlined in section 49.10 of the *Elections Act*? If more is required — whether it be financial resources or something else — could the Chief Electoral Officer just indicate what else is needed and when he anticipates that lists will be provided to MLAs, as envisioned in that section of the current law?

Chair's ruling

Chair: Before you go on, I would like to correct the record, please.

I said that there was no point of order. My intent was that there was a valid point of order and I allow you to continue, but with some specific direction.

Hon. Mr. Silver: Mr. Chair, in regard to the member opposite asking the Chief Electoral Officer to speculate on some future that may or may not happen or some kind of — that is not the intent of the Chief Electoral Officer being here today. The intent is for Mr. Maxwell Harvey to speak to the actual amendments of the *Elections Act*. So, to save everybody time, there are a few questions in there that were pertinent to the actual amendments that we are speaking to. There was an awful lot of talk about speculating on some kind of future where

— after public engagement happened, what would/may happen or what it would cost.

I would say that there is no need for the Chief Electoral Officer to have to try to entertain answering those types of questions.

Chair: Mr. Harvey, would you like to answer some questions?

Mr. Harvey: While I would like to stay in my lane, I would just say that, for the issue of special ballots, the recommendation that we put in Bill No. 4 totally stands. It is the process that is used by Elections Canada and most other jurisdictions. The election period affords ample opportunity for everyone to vote —

Some Hon. Member: (Inaudible)

Point of order

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

Ms. White: Point of order, Mr. Chair. Pardon me, but it appears that the microphone is not working. Can I move? Can we move the Chief Electoral Officer here? I will move all of my stuff out of the way.

Chair: Committee of the Whole will recess for five minutes. Maybe we'll be able to sort this out.

Recess

Chair: Order, please.

Mr. Harvey, please.

Mr. Harvey: As I was saying, Elections Yukon stands by the recommendations that there is no change as per special ballots pre-writ. We would follow what Elections Canada and most all other jurisdictions follow.

We believe that, within the election period — the 31 days — there are ample opportunities for personnel to vote, and we would stand by that recommendation.

Mr. Cathers: I appreciate the comments from the witness. I had asked a specific question that perhaps he will answer at a later date around resourcing requirements — if the decision was made otherwise.

I do just want to note that I do appreciate the recommendation by the Chief Electoral Officer. Contrary to the spin that the Premier was attempting to put on this, we're asking questions on behalf of Yukoners, and we're asking questions about public involvement in elections. In doing that, we may have differences of opinion, and where we have differences of opinion, I would hope that we could respectfully have those differences of opinion. I do want to note, especially if the Chief Electoral Officer at all felt otherwise, that I certainly absolutely do respect his opinion, but that also doesn't mean that, when we have questions, we won't ask those questions. Perhaps we will still have a different view after the answers are provided. I do appreciate the work that was done in preparing this legislation.

One question that I had asked was about the involvement of the Information and Privacy Commissioner. I don't disagree with the provisions here in the legislation that provide for increased information sharing by other public bodies to

Elections Yukon. My only question was whether the Information and Privacy Commissioner had any concerns with those provisions. Perhaps the Chief Electoral Officer could provide that clarification. I know as well that the mic problem certainly caused everyone to lose their train of thought until it was resolved. I would just ask if he's able to provide that information.

Following that, I would then turn it over to the Third Party pursuant to agreement to provide them with time to ask questions regarding this legislation, and I would just thank the Chief Electoral Officer for the answers that he has provided here this afternoon.

Mr. Harvey: I did consult with the Information and Privacy Commissioner several times. Her philosophical approach is that she doesn't like to share any information — I won't say "any", but that she did support the changes.

We are working with her office and with her staff to make sure that we have the right privacy and security procedures in place. As a matter of fact, her staff is going to be doing some training for us in support of the legislation that we have put forward. She has been consulted, she has supported the changes, and we are working together to make sure that privacy and security are enforced.

Ms. Hanson: I also join in welcoming the Chief Electoral Officer here today.

I just wanted to go back to a couple of the points. It is my understanding from notes that I have taken previously — Mr. Harvey pointed out the fact that we had about a 76.4 percent turnout, with 18,840 who voted out of 24,000 who are on our list, but the Yukon Bureau of Statistics says that we have a population of 32,600 who are 18 and over.

I have two questions here. In terms of reaching that largest threshold of that potential 32,000 — I am not sure when exactly that date was for that population of 18 and over. I have a note that, of that number, 800 were 16 to 17, so I am curious as to what process you have in mind for refreshing that population going forward for 16-year-olds, because currently, as I understand it, the *Elections Act* provides that 16-year-olds are registered to vote. Is that dependent on this data sharing with the Bureau of Statistics, Yukon Health and Social Services, or the federal government? If you could just elaborate a bit more on how you anticipate us updating that portion of it in particular?

Mr. Harvey: As you say, there are about 800 16- to 17-year-olds in the territory. We know the communities that they live in. The *Elections Act* in 2015 allowed us to register those electors. They are not really registered. They would follow the same process as all others. We would have the data, but we would still be required to actually register them, so they would still have to fill out some forms. One of the things that we will be doing is outreaching in the schools. I have already talked to a number of school officials in different schools and associations to be able to go to that outreach.

We will know who is in those brackets, but they will not be on any list of electors. They will be potential electors. So, it is about outreach and getting them to sign up to be part of the registration.

Ms. Hanson: Thank you, Mr. Chair, and I thank the Chief Electoral Officer for his response.

It strikes me that, if we are talking about — that is a significant difference in terms of being able to up the numbers of people who are eligible to vote in this territory. So, that rather renders moot the discussion about 206 votes when we are looking at adding another almost 10,000 people to our potential voters list.

It is important, as the Chief Electoral Officer had pointed out to us, that over 15 seats — 591 votes — could have made a difference in terms of the outcome of a majority government or not. So, we will always be mindful of the importance of every single vote, but it is also important to make sure that we have a robust list, as mentioned.

One of the issues around the question of special ballot that I wanted to clarify with you, Mr. Harvey, is the special ballot provisions — the intention to introduce more specific processes with respect to what we call "inter-district" or "out-of-territory" special ballots. So, when I look at — I think it is section 98, but I need to clarify that — of the act that talks about — it basically says that if you are a student or a Government of Yukon employee — it is not section 98. Hopefully the Chief Electoral Officer can clarify for me — absent electors — it is 98 — no, it is not that. Interjurisdictional — I will ask Mr. Harvey to clarify which section it is — but when I read that, I see that it is confined to a Yukon government employee or a student. I use the example that we have many people — not many, but quite a number of people — in this territory who are employees of the federal government. I would use my own example. In a previous life, I was on a federal interchange for a period of a year or so. I was still considered a Yukon resident, and if I am working for the federal government in a federal election, I can cast a vote, but under these special ballot provisions, I wouldn't be able to cast a vote. At that time, I could cast a proxy vote, but I can't cast a ballot now.

So, I am wondering if there is any special underlying intention there, or if there is potential for being able to open it to — more broadly government — in the sense of not just the federal or territorial government. I am wondering why it was restricted to Yukon government employees and students as opposed to enabling those people who actually are resident — intend to be resident and have been resident for many years — but on behalf of the government — it just happens to be a different kind of government — are elsewhere.

Mr. Harvey: In our research for that provision — obviously there are a number of students who study outside the territory. My understanding is that there is only one territorial person who was employed in Ottawa. That position is no longer filled, so there was no eligible territorial government employee.

The question of opening it up to federal or potentially other levels of government is not something we have explored. We haven't explored it. It may be something for future consideration. It may be that, as far as territorially, you must be a territorial government employee. I have no opinion on that per se, other than it is something we can look at in the future. Right now, it is territorial Yukon government employees, as per the legislation. I will find that for you.

Ms. Hanson: The reason I raise it is because it seems to me that it is a provision — if I understand you correctly, Mr. Harvey, this provision has been tracked over from the time when we had proxies, but we no longer have proxies. We have reverted and said — and I agree wholeheartedly with the notion of special ballots, but it seems to me that we weren't intending, in making that transition, to disenfranchising someone because of who their employer is. So, I am asking if this is an oversight in the drafting of the previous legislation as we made the move from saying that we were going to use proxies and that the last election was the last time we were using proxies — we are not doing enumerations, as we are doing the new process now — but we may have missed something. That is a question.

Mr. Harvey: The section is 10(1), where it says, "Government employee or student outside the Yukon." It only makes provision for that. Elections Yukon did not look into expanding that eligibility for special ballot. That is not something we are avoiding, but we have not looked into that and it is outside the scope of this *Elections Act* series of recommendations.

Ms. Hanson: I am not trying to belabour the point, Mr. Chair.

I just want to clarify — was this provision — I see this as a provision that was in the act — and is still in the act — but at the time when the act was enforced with proxies — and I'm wondering if this isn't — the question is: Is this an oversight from when we made the transition from using proxies to special ballots?

Mr. Harvey: It was not looked at. There were many recommendations, when we looked at this *Elections Act*, that need updating and further thought as we go forward. It's something that I'm very interested in getting perspective on, obviously. If that is something that is denying people a vote within the legislation, then it's something we should look at.

I'm not against it; it's just that we did not look at it and it was not considered an oversight. The legislation is quite clear — it said "territorial", and we didn't challenge that.

Ms. Hanson: I appreciate the clarification. It probably is one that needs to be looked at and could we come back to that at another more appropriate time.

I would appreciate it if the Chief Electoral Officer could just outline the importance of having special ballots without the kind of — and the rationale for moving to basically saying anybody — any elector who is eligible to vote — can vote by special ballot versus if you could just elaborate for the record the kind of constraints that were placed on both the timing of special ballots and basically having to find a reason or rationale — and why moving from having a rationale-based — or having somebody else determine whether or not you had a legitimate reason to seek to have a special ballot — because I think that's an important part of this integrity piece that we need to make sure that citizens understand.

Mr. Harvey: When we looked at special ballots — and going through the legislation — the first thing we noticed is that there were different categories of who could actually get a special ballot and different timelines when they had to make an application for a special ballot.

So, the timeline to make an application — just for clarity — is time to have an approved application where your vote would be struck off. So that's not just asking for an application. They've applied, they provide all the documentation, and it's approved. They would get that — a special ballot would be struck off and they would have up to the close of poll to turn it in.

We had day 17. We had day 24. We had day 29. We had 9:00 on day 28. So, we had all these different times about special ballots and all these different categories — institutions, care, absent, remote, electors in small divisions, incarcerated — all these had different provisions and different rules about when they could apply and how they could apply. It was very confusing. It was irregular. Some could even say that it was unfair — why they could have a longer time or less time to do something.

Obviously, we felt that modern mail services, technology, and road and air transportation allowed the interchange of mail and such between districts to improve. What we wanted to do when we looked at special ballots was to simplify it and make it as clear, concise, fair, and consistent as we could across the board.

This tied in with other jurisdictions. Elections Canada was open to everyone once the writ is dropped. As soon as it's dropped, you could go and say, "I want my ballot" and you can vote the exact same day. We supported that rationale. It was about integrity; it was about consistency; it was about intrusive information — we had an envelope, Mr. Chair, that you had to check off that "I am applying for this ballot because I'm incarcerated. I'm in a youth detention centre. I am requesting confidentially because I fear for my physical harm." So, people were actually checking off boxes on this and we even had a form that said, "Explain why you are in physical harm." So very intrusive and unnecessary.

Another aspect of it beyond the access to it was the actual demand for it. People are encouraged by special ballots. They find it is convenient. They can do it in their home. They have lots of time. They can apply for it and have it done. They can hold their ballot as long as they want as long as they make the deadline. So, they can have all the benefits of voting, but at their own convenience and not have to worry about, "Oh, what if it's voting day and I'm sick or something happens." As a voting option, it is important and it is growing. For all those purposes — to make it clear, simple, and concise — we looked at that to reintroduce special ballots as a legitimate voting option.

Special ballots — even the term "special ballots" kind of turned some people — "Well, I don't know if I'm special." But when they talk about special ballots, they are not talking about the ballot being special. They are talking about the elector's circumstances being special because it went outside all the advanced poll and the ordinary poll, which used to be the only way to vote. Advanced poll and ordinary poll — that's it. So, there are many reasons to explore and promote special ballots within the election period, Mr. Chair.

Ms. Hanson: I appreciate that explanation. One of the notes I had is that there is an anticipated increase in special ballot use. I recall that there was a statistic given that, of the

ballots cast in Yukon, seven percent were special ballots — if the witness could confirm that or not — and that, federally, 23 percent of the ballots cast — though I'm not sure if it was the last federal election or the previous one — had been by special ballot.

Mr. Harvey, do you anticipate that we will see — that's almost three to one, for sure — an increase? What kind of anticipated increase in the use of special ballots do the Chief Electoral Office's staff and you anticipate?

Mr. Harvey: We couldn't quantify it. There are many factors that apply to special ballot uptake. Federally, they expanded their advanced polls to four days, for example — and obviously a lot of people use advanced polls as well, so maybe less went to special ballots. We had two days of advanced polls. We believe that we will absolutely get more people on the uptake of advanced polls. We will promote it. We will make sure — well, obviously, it is part of the voter information card, so all those people with registrations who are registered will get a card to say, "Here are your ways to vote. You can vote by advanced poll. Just see your returning officer or go online and get an application, or you are advance poll day 23 or 24 or at ordinary poll on day 31" — whatever those dates are. So, we expect an uptake. Hopefully we will get a lot more — because it is convenient and it does take the risk out of, "What if I'm not available on polling day?"

Ms. Hanson: I appreciate that and appreciate the challenge of trying to forecast exactly the uptake of that, but hopefully it will expand the number of voters participating if they can do it by special ballot.

I would like to go back to some of the questions around the permanent register. There was some discussion about confirming or verifying the elector's location in terms of their address over the course of the development of the legislation through to when it was passed in 2015. Subsequent to that, there has been discussion about geolocation. Is that something that is integrated into the methods that we anticipate adding to the toolbox for confirming where someone is actually physically located, so that's the riding they should be voting in?

Mr. Harvey: That is a huge focus of Elections Yukon right now. We have met, and we have had discussions with our provider, Elections Canada, emergency services and geomatics here, and with Community Affairs to understand this addressing because it's such a critical issue. We will have geographic coordinates for all of the buildings on which we have to be able to assign electors to a building or to a house — I think that's what you're getting at. When we get that map, these are all of the buildings — they call them "rooftop surveys" in geomatic terms because they need it for 911. They can say that, in that building, these are the electors in that building. What makes that so good is that it helps us to correct the addresses that are irregular, but it also helps us to identify where there are gaps. If we have a street — and we talk about completing the registration and say how we got the registration — and it has 100 houses on it, and we see that there are only 40 electors in there — well, that's a big cue for us to say, "I need to send out targeted revision. Go knock on doors and get people to fill out the forms to amplify the list."

That geographic linkage to us is key. We're very involved in that. It is absolutely part of the technology that we have acquired, and it's also part of the data sharing that we get from Elections Canada to help to identify where people are. That all being said, we have thousands of addresses right now — from what we have and what we're getting from Elections Canada — that we're trying to sort out so we can produce these lists that have to be resolved. As I said, we have over 1,000 electors that we don't know exactly which district they belong to. They are on the Alaska Highway somewhere, so that's a very slow and tedious process to do. That's a huge priority.

The permanent register is the cornerstone of our election work. It supports the candidates, the parties and our election workers, and it supports the public. We're working very, very hard. That geomatic — that addressing is key for us.

Ms. Hanson: This is really a key issue. I'm reminded of almost 10 years ago when I ran for election, and I got all excited because I thought, "Oh, goodness, I have a whole bunch of people in this one location, and that's one fell swoop" — and, of course, it's the address on Elliott Street, which is a mailboxes and things kind of location where there are indeed hundreds of addresses, but they don't live in downtown Whitehorse; they live elsewhere. What other means do you have to verify when somebody has a 108 or 118 — I think it's 108 Elliott Street — address, and, no, there is not a high-rise there? Where do we get the other source of information to physically point to their physical location if that's their mailing address for all government purposes, taxation, and whatever?

Mr. Harvey: That's absolutely a critical issue because your mailbox could very easily be in a different electoral district. So, what kind of ID and that kind of thing — what we do for that is that they will be unresolved. We will get a list of electors at mailbox whatever. It might be in Pelly or Ross River, so we know what electoral district or maybe even which polling division that they are in, but we don't have the right address. We're confident that we know where they are, but we don't know their actual civic address. What we would do for that, obviously, is from the different data that we would get. I think that, through some of the different public bodies, they have to have — and they are moving toward more rigour and discipline in requiring a civic address, and 911 and Community Services are pushing more for that in ID. We're using that, and we're also using targeted revision. Between elections, we can do targeted revision as well. It is actually doing a drive-by and having the returning officers say, "Right, I need you to review this list of electors. Here are some unresolved addresses that we have. See if you can help sort that out." It's a process of technology and it's investigation work. It takes 15 or 20 minutes for someone looking in phone books, looking through the mileposts, the street keys and everything else to try to identify — but that's the kind of work that is so different from what happened last time.

So, when you get that list and you are all excited, hopefully — and when we get additional information from Elections Canada from the previous election and from the kind of work that we're doing and the detective work that we're doing — you will get lists that are meaningful and accurate. They won't be

perfect, and we'll identify that we're still working on it, and we will be because it is continuous. I'm very confident that you will be very pleased with the quality of that list, but it is a huge issue that we're working on. We have teams working on it now in different areas to make that happen.

Ms. Hanson: Thank you, Mr. Chair. That is encouraging. I would suggest that, in a rural riding — at least it's a riding — and it would be nice to have the right poll, but in an urban riding, it has a material impact because they may not be in the riding at all. So, I can see why it's so important to get that process in place. This brings me to another question. This House will rise on November 27 and legislation will be passed. What is the electoral office's anticipated timeline for (a) commencing, and (b) completing the necessary integration of these various sources of data? When would you, the Chief Electoral Officer, anticipate effectively having an electoral list that would satisfy the objectives that you set out when you made these recommendations to the Members' Services Board with respect to making these amendments to the *Elections Act*?

Mr. Harvey: I will say that the implementation of the register is obviously a major undertaking. We have had to revisit all of the street keys because we were establishing boundaries in a new system. We have old, inaccurate data from 2016 and we have data from Elections Canada that doesn't fully align, so we are working through that. Right now, we have no list of electors. I can't produce for you a list of electors right now, saying "Oh, where is my permanent register?" and then press a button. We are close, but we are not there. I had hoped we would be there.

Right now, our list of electors is from 2016. That's what we got when it was the final list of electors. We know that is horribly inaccurate now for many reasons. The timeline for that — because that is a huge question: Okay, it all sounds good, but what does it mean for actual implementation? I will say that, to meet the legislative requirement — so November 7 — and we were aware of that November 7 deadline and we were working toward it. If we had something to offer, we absolutely would have offered it. My intention is that, hopefully within the next two to three weeks — I will say definitely before Christmas — you will get a list from Elections Yukon. There are two elements: one is to give you a good list, and the other is that we are working with the Privacy Commissioner to make sure that, before I give you a USB or something, we have the protocols in place. That's a concurrent activity that is going on which is slowing down some of the processes that we need to do.

I am required once a year on that anniversary date, if there is a change, to provide that. It does not preclude me from an additional offering of an update. So, I am thinking that I will get the Elections Canada list sometime after Christmas. It's very slow; they obviously have millions to do and I'm not on the top of their list to get stuff out to. It will be in the spring that we provide an updated list that is using some of the Elections Canada data. I want to have that for the spring and certainly before June 1, which is our internal readiness date to say, "Okay, right now, we could hold an election. We have our forms, our materials, and our people." It might be a bit ugly

because we still have work to do, but we could carry out the election, and we will get better and more prepared as we go along. Crossing that threshold will be on June 1, as we go.

A long story short: You will get something in the next couple of weeks. We are almost there. I will say: Be advised that this is what we have now and we have throughout the territory 1,200 unresolved electors who are not included on the list. Then hopefully we will update it once I get more information from Elections Canada sometime in the spring.

Ms. Hanson: I just want to clarify then, Mr. Chair: One key element is the Elections Canada data. Where do the municipality and First Nation governments' data sources fit in there? One would assume that electors for the municipality and the people who are eligible to vote in a First Nation government's process would also be electors in federal elections. But I'm not sure if it's required or if you feel it's necessary to have that complete overlay before you have 100-percent confidence, or will you be able to move forward with Elections Canada and then supplement it later? I'm just asking which is your order.

Mr. Harvey: Thank you for that, because we have met with the public bodies already to discuss information. I've met with Education, Health and Social Services, and the Yukon Bureau of Statistics. I also met with Highways and Public Works to discuss information sharing. The public body information will help us resolve some of these unresolved issues.

Municipalities and First Nations — once this passes, they will be allowed to give me their lists to update addresses, which will be very helpful for their municipal roles, to identify the names that we can go and track. So they are important.

I will say that the municipality and First Nations are only on arrangement. They have no obligation to share any data, but if we can work out something for electoral purposes that you say, "Right. This is it" — which I believe they are interested in — at least in some of the discussions I have had with a limited number of First Nations and with the major municipality on that.

To me, Elections Canada is a very prime source, because it is the whole territory — it is everybody — public bodies as well. It will be very key as well. We haven't got it all worked out, so we are seeing how we can incorporate that.

Ms. Hanson: When we were talking about Elections Canada — and we were talking about the various — so the federal polling system is different from the territorial polling system — is it ever anticipated that we would have matching poll definitions so that we wouldn't then have to transfer? Because the current data systems are not the same. So, if you look at the federal polls for Whitehorse, they are all different from the territorial polls for Whitehorse, and it is really hard to migrate data that way. Is that ever something that we could anticipate?

Mr. Harvey: I will say that this is a huge focus of Elections Yukon — to standardize and stop reinventing the wheel. We have worked closely with Elections Canada for the last election. I will say "worked closely". We collaborated with them about understanding where they were holding their

venues and other aspects of their election. It is a huge topic when we have interjurisdictional meetings about how we can support each other not only in polling places, but in equipment and understanding — “Hey, that is a better process” or something that makes a bit more sense.

So, it helps us mature and evolve. It is very much — for me — going from an event-based process, where we are trying to prepare for one election, as opposed to a process-based event to “I don’t care when the event is; I’m ready” — because I have all the equipment. I don’t have to reinvent the wheel and reinvent forms and do this, because it is another event — so no panic — this is the event. I have the processes — a few tweaks, and off we go. You can have 10 elections — I don’t care — because that is just the peak amount of work. It is all the preparation work that allows us to deliver on those election periods. That is our focus when we talk about readiness — it is having that preparation work. Call it when you want — we are ready to go. The more time we have, the more time we will have to prepare and do even better.

Ms. Hanson: Mr. Harvey, you have talked about having a June 1 drop-dead date or come-alive date — whatever you want to call it — for this new electoral list. I guess that I shouldn’t make the assumption here and ask the question: Do you anticipate any concurrent activity with respect to other recommended changes to the *Elections Act*? You have mentioned that this is the first of a series of some changes that you anticipate. Could you give us a sense of when you might anticipate bringing forward additional amendments for consideration? Is it after June 1? I can’t imagine before, but maybe you have parallel tracks operating here. I would just be curious as to what they are.

Mr. Harvey: Mr. Chair, absolutely. Obviously, electoral processes are something that are always evolving. We have captured many areas where we believe that there is value to the elector and to the political entities if they incorporate these changes. To that end, you can expect something from the Chief Electoral Officer, hopefully, in the near future.

I will say that this process — and when I did my acknowledgement at the beginning — is kind of different from the traditional processes for recommended changes. Ideally, after the last election, the Chief Electoral Officer report would have tabled a document that said, “Here are 100 things that I have noticed in the last election for recommended change. This is what it is, and this is why we think it would change.”

The process would be: Okay, the Assembly looks at it and the subcommittee — or however they want to handle it — and say, “Right, there are 10 we’re interested in — there are two we are interested in. Carry on.” Then you would go through the process. So, we never had that process of that document.

So, I am trying to catch up and I appreciate the support all around that kind of allowed this to get an accelerated look. I want to get this thing back on track. So, my view is to potentially offer a small number of additional recommendations that are not too dramatic for consideration by the House, to say, “It makes sense; let’s do it.” We can go from there. You can have it reviewed and say, “yes, no, yes, no” — whatever — and try to get it back on that kind of track.

I can guarantee you that, after the next election, you will get a document that will speak to changes in the *Elections Act* and potentially a whole re-look to make it plain language and a bit more user friendly, for sure.

Ms. Hanson: I would like to thank the Chief Electoral Officer. I appreciate very much the commitment that he is demonstrating here and the reinforcing for all of us here that the *Elections Act* is a process — a document — and we want to make it as effective and fair as possible. I look forward to those future recommendations and the discussion thereof.

Chair: Mr. Harvey, I would like to thank you before you leave. Thank you very much for appearing here this afternoon on behalf of the Committee and all members of the House.

The time designated for the appearance of witnesses pursuant to Committee of the Whole Motion No. 1 has now expired. The Chair shall therefore thank Maxwell Harvey, Chief Electoral Officer, for appearing as a witness today. The Chair shall now rise and report to the House.

Witness excused

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. 200, entitled *Second Appropriation Act 2019-20*, and directed me to report progress.

Also, pursuant to Committee of the Whole Motion No. 1, the Chief Electoral Officer appeared before Committee of the Whole to discuss matters related to Bill No. 4, *Act to Amend the Elections Act*.

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.

The time being 5:30 p.m., this House now stands adjourned until 1:00 p.m. tomorrow.

The House adjourned at 5:30 p.m.

The following sessional paper was tabled November 12, 2019:

34-3-19

Yukon Hospitals — A journey together — Year in review 2018-2019 and Yukon Hospital Corporation Consolidated Financial Statements March 31, 2019 (Frost)