



Yukon Legislative Assembly

Number 24

3rd Session

34th Legislature

HANSARD

Monday, November 18, 2019 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2019 Fall Sitting

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

CABINET MINISTERS

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

GOVERNMENT PRIVATE MEMBERS

Yukon Liberal Party

Ted Adel	Copperbelt North
Paolo Gallina	Porter Creek Centre
Don Hutton	Mayo-Tatchun

OFFICIAL OPPOSITION

Yukon Party

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

THIRD PARTY

New Democratic Party

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

LEGISLATIVE STAFF

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

**Yukon Legislative Assembly
Whitehorse, Yukon
Monday, November 18, 2019 — 1:00 p.m.**

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

Prayers

Withdrawal of motions

Speaker: The Chair wishes to inform the House that Motion No. 110, notice of which was given by the Member for Porter Creek Centre, was not placed on today's Order Paper as the action requested in the motion has been taken in whole or in part.

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Pillai: I would ask the Members of the Legislative Assembly to help me in welcoming a number of people who are here today for two tributes. I will do my best to ensure that I have everybody here today.

With us today are: Wendy Kitchen, Barry Kitchen, Heather Burrell and her little guy Warren, Ryan Gandy, Liz Smith, Wayne Schneider, Kaitlin McDougall, John Fox, Carolyn Relf, Hugh Kitchen, Steve Israel, Graham Downs, Kevin Smith, Jeff Faulkner, Andrea Lavin, Adam Scheck, Wendy Tayler, Leif Austad, Rob Carne, Matt Turner, Kelson Willms, Matthew Dumala, Joan Carne, Richard Drechsler, Andrew Carne, Jack Morton, Adam Coulter, Patrick Sack, Michael Durham, Sean Munro, Atlin Shopland, David Moynihan, Esther Bordet, and Thomas Branson as well. I hope I got everyone. Thank you for being here today.

Applause

Hon. Mr. Silver: I apologize if this person was already announced, but I wanted to give a shout-out — I see Sean Munro is in the gallery today. For the record: My first day in Yukon, I stayed at Sean's house.

Applause

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

TRIBUTES

In remembrance of Shawn Kitchen

Hon. Mr. Pillai: Mr. Speaker, today I rise on behalf of all parties to give tribute to Shawn Thomas Kitchen, a beloved pilot who passed away this summer on August 6 at the age of 24. Shawn Kitchen, son of Barry and Wendy Kitchen and brother to Evelyn, was very dear to the Yukon and to all those who knew him.

Shawn was a dedicated aviator. He began working on his personal pilot's licence while in high school at F.H. Collins and then went on to Okanagan College to get his diploma in commercial aviation. Upon completing his schooling, Shawn came back to the Yukon to work and had worked at Alkan Air for the past four years.

Shawn's first job at Alkan Air was as a dispatcher. He then worked as ramp support while he built the flying hours he needed to become a first officer, flying medevacs in the Yukon and beyond. Shawn became interested in bush flying, and soon after, he started flying into some of the most remote strips around the Yukon.

Shawn had a passion for the performing arts. We will remember him for his work and his contributions to Whitehorse's theatre community. Shawn was well-known for his roles in *Pirates of Penzance* and *Cats* as part of Wood Street Centre's Music, Arts, and Drama program. Shawn was an energetic member of the cast and stage crew of the Frantic Follies for several years, where he made frequent appearances as Sam McGee. His outstanding performances left incredible impressions on his teachers, fellow students, community, friends, and family.

At only 24 years old, Shawn was committed and enthusiastic about everything that he did. He had strong community values and was passionate about giving back to the youth of the Yukon. At the age of eight, Shawn became a Cub. As he got older, he became a Scout, Venturer, and Rover. Through Scouts Canada, Shawn travelled around the world, including spending a bit of time in Madagascar helping to build a school. It was important to Shawn that youth have a voice in programs geared for youth. Within Scouts Yukon, Shawn took on leadership roles, including assistant Cub leader, area youth commissioner, and most recently, area commissioner.

Shawn had incredible people skills with an ability to connect with all of those around him, from young Cubs to senior business executives. Shawn had an adventurous spirit that took him around the world and around the Yukon. You would frequently find him hiking along one of the many trails in the Yukon, often with his camera in hand. He was known to be exceptionally down to earth and caring, which are merits in their own right. Shawn Kitchen's unforgettable warmth and passion are dearly missed by all.

In remembrance of Julia Lane

Hon. Mr. Pillai: On behalf of all parties, I pay tribute to Julia Lane, a highly respected exploration geologist who passed away this past summer on August 6. Julia was a graduate of the University of British Columbia and a registered professional geologist in BC.

Julia will be remembered for the key role she played in the discovery of Canada's first Carlin-style gold deposits, which are among the largest gold deposits in the world. Julia helped to lead both the technical team that demonstrated that gold in the Rackla belt was analogous to that in Nevada's Carlin Trend and the business team that attracted companies like Barrick Gold Corporation and Newmont Mining Corporation to the territory.

She had a unique ability to manage large drill projects, juggling the needs of 70-plus employees, dealing with complex logistics, and overseeing the technical requirements of the work to meet a high professional standard. Even with such pressure, she always remained cool and she was adored by everyone working at her camp.

Julia's passion for geology extended beyond exploration and discovery. She was a great supporter of research and she generously provided access to the property to facilitate geologic studies. This included support for the Yukon Geological Survey that mapped the Rackla belt and surrounding area between 2010 and 2014. Our survey's work was greatly facilitated by Julia's willingness to provide access to her camps and logistical base and to share company data. She extended similar support and enthusiasm to the university researchers from the University of British Columbia, Harvard, McGill, and Dartmouth universities, among others.

She also gained international attention for her written papers and conference presentations. With every conference presentation that Julia made, she attracted the attention of audiences with her technical knowledge and her infectious enthusiasm.

At only 33 years old, Julia had already made exceptional contributions to the field of geology and to Yukon's exploration sector. This is the second time that I have had the opportunity to tribute her here in the Legislative Assembly. During this year's Geoscience Forum — where Julia's absence was acutely felt — I wanted to honour her. Julia Lane was so young and so esteemed in the community. She is certainly missed by all.

Mr. Speaker, in closing, there are three lessons that I've learned while preparing for these tributes: There's always time for the people closest to you — no matter what your job is and what your responsibilities are; your age does not matter when you unconditionally give, because the impact can be so positive; and, in closing, the little things in life matter more than the big things.

Speaker: Tabling returns and documents.

TABLING RETURNS AND DOCUMENTS

Speaker: Under Tabling Returns and Documents, the Chair has for tabling the Yukon Human Rights Commission 2018-19 annual report and financial statements for the year ended March 31, 2019, which is tabled pursuant to section 18 of the *Human Rights Act*.

Are there any further returns or documents for tabling?

Hon. Ms. Frost: Mr. Speaker, pursuant to section 7 of the *Hospital Insurance Services Act*, I have for tabling the annual report for the Yukon health care insurance plan and the hospital insurance plan for fiscal year 2018-19.

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

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to work with communities to create available developed land banks to keep lot prices affordable.

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

THAT it is the opinion of this House that:

(1) the use of firearms in the commission of a crime should be punished to the full extent of the law; and

(2) licensed owners should not be subject to forced confiscation of their lawfully acquired personal private property without just cause.

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

MINISTERIAL STATEMENT

Renewable energy

Hon. Mr. Pillai: Mr. Speaker, Yukoners are passionate and engaged when it comes to energy — particularly in how we generate electricity. Yukon is unique in that we are not connected to a major southern grid and so we are self-reliant for our energy needs. We are fortunate to generate the vast majority of our electricity through renewable means. However, increasing demands on our electricity system require us to plan ahead and weigh the various benefits and trade-offs that come with having a reliable, safe, and environmentally responsible system.

As part of this planning, we want to provide a venue for the public to ask questions, discuss their ideas, and learn from experts who have a strong background in electricity and the unique situation that our communities face. That is why we have put together a renewable electricity panel to lead four public meetings this week. The renewable electricity panel is made up of four individuals who bring a wealth of experience and expertise to the discussion on renewable energy.

Ravi Seethapathy is the Executive Chairman of Biorsirus Inc., a smart energy advisory company. For over three decades, he managed leading portfolios in research and development, innovation, smart grids, energy storage, renewable energy integration, and asset management.

Dr. Michael Ross is the National Sciences and Engineering Research Council of Canada Industrial Research Chair in Northern Energy Innovation at the Yukon Research Centre at Yukon College. His applied research program addresses the needs of the northern energy industry through academic partnerships with all three colleges in the territories and through industry-driven direction with support from all four territorial electric power utilities.

Chris Henderson is Canada's pre-eminent clean energy advisor to aboriginal communities. He advised chief and council indigenous groups and aboriginal economic

development corporations on how to effectively secure and leverage partnership positions in clean energy projects across Canada. Mr. Henderson also guides utilities, financial firms, corporations, and governments on engaging and partnering with aboriginal communities.

Finally, John Maissan is a renewable energy consultant who previously worked for 14 years for the Yukon Energy Corporation, where he was the driving force behind the Haeckel Hill wind turbine energy development program. His expertise is primarily with respect to wind energy, cold temperature, and wind farms. His clients have included grid-connected wind farm developers, remote mines, utilities, and independent power producers.

Mr. Speaker, these four talented individuals are looking forward to taking questions and discussing ideas about opportunities and challenges in building a renewable, reliable, and affordable electrical system. They will help Yukoners to develop a better understanding of the range of renewable options, including wind, solar, hydro, geothermal, and biomass. The renewable electricity panel will be producing a report based on the conversations. This report will be used to inform Yukon government's final climate change, energy, and green economy strategy and Yukon Energy Corporation's renewable electricity plan. The events will take place in Whitehorse tonight from 7:00 to 9:00 at the Westmark Whitehorse, in Dawson City on November 19 from 7:00 to 9:00 at the Downtown Hotel, in Watson Lake on November 20 from 7:00 to 9:00 at the Northern Lights Centre, and in Haines Junction on November 21 from 7:00 to 9:00 at the convention centre.

We are excited to see what these conversations bring, and we look forward to the insight that the whole energy group gains from this process.

Mr. Kent: Mr. Speaker, thank you for the opportunity to respond to this ministerial statement.

This renewable energy panel is an interesting idea, but we have concerns with how it's being advertised to Yukoners. Currently, if you go on engageyukon.ca, which is the government's central database of ongoing consultations, there is no mention of any consultations being conducted by this panel. There is no information on when and where to go. The minister announcing this in the Legislature only six hours before the beginning of the first of four public consultations is not an adequate way to ensure that Yukoners know about these meetings. I would also note that all of these meetings are scheduled to be completed by the end of this week, so for Yukoners finding out this afternoon — or more likely tomorrow morning via the media — this is hardly a useful way to encourage Yukoners to participate. Further, I will note that the consultation that begins in six hours is the one and only consultation scheduled for Whitehorse. For Whitehorse residents, who will find out about this ministerial statement perhaps on the radio tomorrow morning, they are out of luck.

How have these panels been advertised to Yukoners? We were not able to find a news release on the Government of Yukon's website. We did find a Facebook event page, but not all Yukoners use Facebook regularly of course or will see this

event. What efforts did the government take to ensure a strong turnout in this week's meetings? Why did they wait until the last minute to make a public statement advertising these consultations, and why rush them out the door and not give people enough time to participate?

I also have questions about why there are only four of these meetings taking place in the territory — one in Whitehorse, one in Dawson City, one in Watson Lake, and one in Haines Junction. There are a lot of other communities with Yukoners who would be interested in providing their input, but unfortunately the Liberals are leaving them out of these discussions. We would ask the government to reconsider this consultation process to include all of the communities and to extend it so that people have time to provide meaningful input.

With respect to the future of renewables in the territory, I do have some questions about the plan going forward. On the topic of connecting to the BC grid, it was about two years ago that the minister announced at the Mineral Exploration Roundup in Vancouver that Yukon would connect to the southern grid. Since that time, he has spent a lot of money to redo feasibility studies that had already been done and, as a result, came to the same conclusion as the previous study — that the project wasn't feasible — so the idea was scrapped. However, this summer, our Premier suggested that connecting to the BC grid was still on the table when British Columbia Premier John Horgan was visiting. We are wondering if the minister can give us an update with respect to that project.

With respect to current energy plans and capacity, earlier this Sitting, the minister indicated that his government rented four diesel generators in 2017 for backup power; in 2018, they rented six; and in 2019, they are renting nine units. This year, the price tag for the rentals is \$2.2 million, and we are curious as to if that is the final cost associated with these rentals and if the minister can provide us with the figures for additional shipping and O&M costs as well. Also, is the minister able to provide us with the total price tags associated with the 2017 and 2018 rentals of the diesel generators?

When it comes to increasing demand for electricity and a growing population, where are all these new renewable energy projects to meet increased demand? Has the government identified projects? When will they be online, and how much energy will those projects produce?

With that, Mr. Speaker, I will close my remarks.

Ms. White: The Yukon NDP is supportive of public consultations that allow Yukoners to provide input into decisions and policy that matter to them. The individuals who make up this panel provide a diverse cross-section of expertise and experience in renewable electricity generation. We were, however — like our colleagues — discouraged by the lack of lead time prior to these meetings being announced.

As far as we can tell, tonight's meeting was first advertised less than a week ago. Today's ministerial statement only provides a six-hour heads-up to those Yukoners who are listening.

Can the minister please tell us what advertising was used and when it was posted to let Yukoners know about these

important meetings? We feel that the lack of advertising and lead time does a disservice to those experts who are here to share their knowledge and expertise, but also to those Yukoners who may not be able to participate in these meetings on such short notice.

We're also curious about how the meetings will be structured and what the intended outcomes of the panel discussions will be. I raise this because this government has brought in very capable experts before and then held meetings with unclear objectives. The recent "Paving the Future" meeting held at the Beringia Centre is a good example. Highways and Public Works brought up subject matter experts to attend a public meeting with unclear objectives. This lack of clarity left many Yukon citizens frustrated and unsure how their input would be later reflected in future government policy.

As the minister well knows, Yukoners are passionate about renewable energy and will be bringing a wide diversity of viewpoints and expectations to these meetings. Without a cohesive structure and starting point for the discussion, these meetings could quickly go off the rails.

We would like to hear from the minister how the panel discussions will be structured, what the parameters for discussions will be, and how those discussions will then inform the development of future Yukon government policy.

Mr. Speaker, we look forward to seeing how these conversations led by renewable energy experts are trapped into Yukon government's 2020-21 budget.

Hon. Mr. Pillai: Mr. Speaker, I'll do my best. There are quite a few questions that have been tabled.

Quickly going through to answer — my understanding is that social media outlets as well as local media were used to advertise. I'm more than comfortable getting back to the opposition on what advertising was done previous to this event. I do know that part of the challenge was that we as an organization or a series of organizations — Energy, Mines and Resources, Yukon Development Corporation, Yukon Energy Corporation — we knew that it was extremely important to have a very respected group of individuals. Some of these individuals have come to the Yukon previously as invited from different NGOs. I know that the department had a very difficult time trying to get the critical mass together because all of the groups are so busy and have been asked to be in different parts of the country or the world, and people's schedules continue to move.

The good thing is that there is opportunity for anybody in the Yukon in any community to continue to talk about renewable energy until January 17. We just launched our plan. There's a large portion of our climate change plan that focuses on clean energy. So, not only is there the opportunity this week to maybe take in one of these events, but we'll be taking feedback on people's perspectives on renewable energy right through the next number of months — so they do have that opportunity.

Concerning the BC grid question, I just want to correct the record. At no point did I say that we were going to connect to the BC grid. At the Roundup conference — when I first made

comments, I said that I think there's an interest to look at it and then we did work. We didn't find out the same answer as the previous government because the previous government wanted to build something and sell energy. I was looking at purchasing the energy and shipping it up, so it's a totally different model. Of course, that was connected to the well-publicized next generation project, which cost millions and millions of dollars.

The work that we have done cost about \$140,000. The work is still relevant. As other jurisdictions across the country talk about energy corridors, this continues to be something that we keep our eye on even though we have a domestic responsibility to make sure we keep energy available and Yukoners safe.

That actually goes into the other part of the questions, which was — this is the first time that Yukon Energy had ever rented a backup — which is the N-1 scenario — understanding that, if your biggest asset went down, you could still make sure people are safe. I think that is a valid expenditure. I will absolutely — on the information about advertising and the information concerning the cost — 2017 and 2018 final numbers and 2019 — it's a good use of money at this particular time as we look at building out other projects.

Will this year's budget reflect concepts and ideas about renewable projects? That's usually led by the Yukon Energy Corporation, so it wouldn't be reflected in this budget. If we're using the independent power production policy, that wouldn't be reflected because that is ensuring that we provide self-determination to communities to build projects and then we buy their energy. Tonight — just quickly; I know we're closing out — there is an independent facilitator. Her name is Jane Koepke. She is an extremely well-respected Yukoner who knows how to handle discussions like this. We will have a chance for the expert panel to share their thoughts. It's more important that we collect the ideas and perspectives of Yukoners.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: Radon testing

Ms. McLeod: Testing conducted in Whitehorse Copper, Pineridge, Wolf Creek, Spruce Hill, and Cowley Creek found that radon levels were much higher than Health Canada's guidelines. Twenty-two months ago, we wrote the Minister of Health and Social Services regarding this specific issue, and we still have not received a response — 22 months and no response from this minister.

In the letter, we asked the minister to provide free test kits to all residents in these areas so that they can check to see if their homes are safe. Last November, I asked the minister if she would commit to providing free radon test kits for these areas. She claimed that the government was providing free test kits; however, the claim was quickly shown to be untrue when people called Yukon Housing Corporation and were told that the minister was wrong.

Can the minister commit to providing these test kits and supports to those who need these mitigations?

Hon. Ms. Frost: I would like to thank the member opposite for raising the issue around radon, because November is Radon Action Month and it is critical that we look at encouraging homeowners to test their homes. We have a campaign — we do every November — and that is to work with Yukoners.

With respect to radon kits — my understanding from the department is that we have free radon kits in our rural Yukon communities. The kits are available here in Whitehorse. Those are supported through, I believe, Home Hardware.

I can answer further questions should the member have further questions on that.

Ms. McLeod: I will just remind the minister that the question I asked last year was about whether her government would provide free test kits for these areas in the south of Whitehorse like Whitehorse Copper and Wolf Creek.

Last year, the government did testing of radon in daycares and day homes. On November 21, last year, I asked the minister whether there were any daycares or day homes that tested with high levels of radon that would require mitigation. In response, the minister confirmed that yes, there were. So we asked how many there were, and the minister was unable to say at the time. That was one year ago, so I am hoping that the minister can now provide an answer.

Can the minister now tell us how many daycares and day homes in the territory tested above the recommended safe levels of radon when her department went out and did the testing?

Hon. Ms. Frost: Certainly, the Department of Health and Social Services is keen to work with the daycares — the health and safety of our children is paramount in anything that we do. We are working with our licensed child care programs. That is a priority, so that is why we rolled out a new initiative and that is to look at considering the regulations requiring all licensed child care programs to have proof of radon tests with results below 200 becquerels per cubic meter. That is recommended by Health Canada.

As of August 22 this year, there was funding provided for radon mitigation currently to licensed programming. We will continue to look at the majority of licensed childcare centres in the Yukon and ensure that they are all tested and that remediation efforts are in effect, being implemented, and acted upon.

Ms. McLeod: Last year when we asked about the radon testing in daycares and day homes, the minister did confirm that her department was working with daycares and day homes to deal with mitigation. Her exact comments were: "... we are working with the daycares and the day homes that have been identified as exceeding the rating numbers that require mitigation."

At the time, we asked the minister if this meant that the government was providing day homes and daycares with financial support to cover the costs of these mitigations, and she was unable to answer the question at the time. The last response that the minister gave addressed some funding, but it was not clear where that was coming from.

Is the government providing financial support to daycares and day homes that tested above the recommended levels for radon? How many of these facilities that tested above recommended levels have now been successfully mitigated?

Hon. Ms. Frost: With respect to the specific numbers, as of the fall — at the end of August — we had 65 licensed childcare programs in the Yukon, of which 53 were in compliance. My understanding is that there are currently nine that have been mitigated. We will continue to look at testing some of the new daycare centres that are coming in.

We are also looking at retesting. We are always looking at working with the program areas and working with the daycare centres and childcare centres to support the obligations as defined under the national requirements. So yes, we are working with the childcare centres, and we will provide whatever supports we can, as defined. I indicated that we have provided \$22,332 in funding for radon mitigation to licensed programs.

Question re: Mineral staking

Mr. Kent: My question today is for the Minister of Energy, Mines and Resources regarding mineral staking in the Yukon.

At this morning's Yukon Geoscience Forum, the Yukon Geological Survey said that we are at an 18-year low this past season in new claims that have been staked in the territory. As we discussed last week, there are approximately 170 different withdrawal orders in the territory, covering approximately 150,000 square kilometres or about 52 percent of the land mass of the Yukon. So more than half of the Yukon is off limits to prospectors searching for the next discovery that could generate wealth and prosperity for future generations of Yukoners.

Currently, the method for staking claims is often done using a process known as "free-entry" staking. Does the Liberal government support the free-entry system — yes or no?

Hon. Mr. Pillai: Yes.

Mr. Kent: Of that 52 percent of land withdrawn from staking in the territory, a significant portion is part of the traditional territory of the Kaska — in the neighbourhood of 63,000 square kilometres, if I recall correctly.

Last week, I asked the minister to update this House on any progress toward lifting those withdrawals. In October of last year, the Premier told this House that, at the time, he anticipated the staking ban in Liard First Nation to be lifted by April 30, 2020. Can the minister or the Premier confirm if negotiations are on track for this staking ban to end by April 30, 2020?

Hon. Mr. Pillai: I can confirm to the House that those conversations and negotiations are still underway and that the team at Aboriginal Relations continues to do that work. We continue to monitor and understand that it is a very significant part of the Yukon that could lead to some great potential. When you look at the work of the Yukon Geological Survey in southeast Yukon, the data shows that there is a tremendous amount of potential. As we look at commodities that are part of a green tech future — such as palladium, cobalt, and items like that — we are seeing anomalies pop up in other parts of the

Yukon, and I think that a lot of people would like to continue to do work.

It is important to note that the existing claims that are in southeast Yukon in that traditional territory continue to be worked on in the sense that some of the exploration projects — and we have Kudz Ze Kayah, which is moving through the environmental assessment process and is on track, looking to be one of the next newest mines in the Yukon as other mines reopen. I think that it's appropriate, as the member opposite has requested, that, as we have new information concerning that particular situation, we bring it to the Legislative Assembly.

Mr. Kent: Again on the topic of staking withdrawals in Kaska territory — recently, it was reported that the Ross River Dena Council is working to create an indigenous protected area within their traditional lands. If it proceeds as planned, it will encompass 25,000 square kilometres, an area that includes significant historical mineral resources. The Kaska's vast traditional territory is home to many deposits like Selwyn and Kudz Ze Kaya, as the minister mentioned.

As Ross River is without a final self-government agreement under the *Umbrella Final Agreement* and its traditional territory overlaps with a number of settled Yukon First Nations, such a large area also has the potential to affect neighbouring First Nations and other established land use planning processes.

Has the government been asked to provide input or support for this proposed park? If so, what was their response?

Hon. Mr. Pillai: Mr. Speaker, what has been asked of me here — it's an extremely complex set of questions. To be fair, I know the member opposite has spent some time dealing with these particular situations. Of course, the Ross River court cases happened a number of years ago and some of the responses that we talked about in earlier questions today is really the work that was required after those legal cases had been completed.

My prerogative is that you have to look — I have to seek guidance from the Minister of Justice on case law that exists in this country when it comes to nations that are governed under the *Indian Act* versus modern treaty. We continue to work through those complexities and conflicts when they arise. It can make things very difficult, but those are the cards that are dealt, and we want to respect those treaties because there is so much good that comes from them.

With that being said, on the land planning process, our prerogative is that the regional land planning process and sub-regional and local area planning is the way to go and not for other processes to happen in that particular area that could lead to more confusion.

Question re: Emergency room visits

Ms. White: In the year ending March 2019, the Yukon Hospital Corporation recorded over 32,500 emergency department visits to Whitehorse General Hospital alone, so that would be just about one visit for every Whitehorse citizen.

With the current family physician shortage across all of Yukon, we know that individuals requiring prescription updates, regular medical attention for chronic conditions such

as diabetes, or something as simple as a medical for a driver's licence — these people are left with the emergency department as their only option.

We know from previous reports that over 60 percent of visits to emergency departments are not emergencies. This is an inefficient use of the emergency department — the most expensive form of medical care for non-emergency issues and a huge health care cost.

Mr. Speaker, can the minister tell us what these non-emergency visits to the emergency department cost our health care system in 2018?

Hon. Ms. Frost: I would like to start off by just speaking a bit about collaborative care and speaking about our approaches to collaborative care in rural Yukon communities.

Now, we have looked at the nurse practitioner, as a good example. We're going through a comprehensive review right now. We have incorporated the EMR supports to the Whitehorse Emergency Shelter. So, we are taking various measures in which to address the pressures that we are seeing at the Whitehorse Emergency Shelter in relation to Whitehorse General Hospital and such.

Now, we are working also on all of the hospitals. I do not have the specific numbers that the member opposite is requesting. I will endeavour to get that. But we are very proud of the work that we are doing with our clinicians and the excellent care they are providing to the emergency department.

Ms. White: Well, that's disappointing because I asked the same question this spring, although at that point in time, I didn't know it had been 32,500 visits to the emergency department. I just knew that there were a lot.

Emergency department visits are among the most expensive costs to our hospitals. We know that over 60 percent of emergency visits are not emergencies. For this minister to not be able to talk about those costs is disappointing.

Yukoners without family doctors do not have any real options when seeking medical care and attention. With family doctors not taking new patients, citizens are left to rely on whomever they can see at the emergency department or they can try their luck with a walk-in clinic.

This is not appropriate, nor is it the best use of our resources. The fact that this has been going on for years without a plan to address it is shocking.

Mr. Speaker, if the minister is unable to tell Yukoners how much the 60 percent of non-emergency emergency room visits are costing, can she tell us what concrete steps have been taken to remedy this issue?

Hon. Ms. Frost: I'm very proud of the work that the department is doing — the collaboration with Community Services as we look at reducing some of the pressures. I appreciate that the member opposite wants us to get her specific numbers, and that work is happening as we speak. Of course, we are looking to the comprehensive health review to look at cost drivers. At the same time, we are delivering initiatives in the city and in rural Yukon.

The efforts with the "find a doctor" program — the objective there is to eliminate pressures at the Whitehorse emergency unit. Now, we are looking at also the nurse

practitioner initiatives and working with the Yukon Medical Association. There are many, many initiatives happening right now. We have worked with the Whitehorse Referred Care Clinic as well.

So, we are looking at acquiring the numbers at the Whitehorse Emergency Shelter in relation to Whitehorse General Hospital. We just got some numbers recently and we will continue to track that. I would be happy to report back on that once we acquire accurate information — and that accuracy will come from the partners. That means, of course, that we need to do the due diligence. Of course, we want to track; of course, we want to quantify, but ultimately we want to ensure that Yukoners have access to the necessary services.

Ms. White: While we do appreciate the new online registry for family physicians, it doesn't begin to address the shortage of family doctors in the territory. In 2012, Yukon government passed the *Miscellaneous Statute Law Amendment Act*, and this gave nurse practitioners the ability to work to their full scope in clinics, health centres, continuing care facilities, and hospitals.

Although we do appreciate that there is a nurse practitioner in Mayo, we would like to see it happen in other communities. Nurse practitioners can provide essential health care, renew prescriptions, refer for tests or procedures, and in some parts of Canada — notably, Ontario — there are nurse practitioner-led clinics that offer a collaborative approach to patient care. Here we have emergency departments flooded with non-emergency patients for unknown costs, and health care providers, including nurse practitioners, are not working to their full potential.

Will Yukon government consider creating nurse practitioner-led clinics in Yukon to better serve Yukoners for their health care needs?

Hon. Ms. Frost: I would like to just maybe emphasize that Yukoners — should they require services at Whitehorse General Hospital's emergency department — should they require services then and there — we are not suggesting in any way that we should divert that. That pressure will always be there.

What we are doing for communities and accessibility to services across the Yukon, I think, is really essential. We have to look at what we already have, what is necessary, and what we need to do as we collaborate and we look at what hasn't been there for many, many years. Nurse practitioners are one initiative, and I'm very proud of that. I want to acknowledge the communities for stepping up and of course the Yukon Medical Association for participating in that collaborative effort. We will take that pilot initiative and we will look at its feasibility and potentially implement that throughout the Yukon.

The member opposite made some really great points about the nurse practitioners and what they are able to do in terms of scope of practice. So, we're really proud of that and we want to look at the possibility of integrating that through the health care centres across the Yukon.

Question re: Affordable housing

Ms. Hanson: Every MLA in this House has heard from Yukoners about the impact of the affordable housing crisis in Whitehorse and in communities around Yukon. This crisis is apparent in the enormous rise in both cost to buy and the lack of available, affordable residential lots.

At one time, the policy of Yukon governments was to develop and sell lots at development cost or market price, whichever was lower. Because this would not be a money-maker for government, it ensured that reasonable prices were passed on to buyers. For some reason, lost in time, this all changed when the policy was flipped to the higher of development cost or market price.

Mr. Speaker, would the minister agree that this government's decision to charge the higher market price rather than development cost means that Yukoners will continue to face ever-escalating costs for housing?

Hon. Mr. Streicker: I think that there was something about which I will have to go back and check to be absolutely certain, but I don't believe that the policy is to charge the higher rate. I believe that the policy is to charge either of those. One of the reasons, as I understand it — or as the policy was explained to me — is because in our rural communities, sometimes the development charges are really much higher than what the fair market price would yield, so we wanted the lower one. But I will actually go back and confirm that.

One of the goals related to home ownership in the housing action plan is to provide a variety of different sized lots to private developers in municipalities to encourage the construction of smaller, more affordable homes. We saw a great example of that earlier this summer when we released a whole number of lots in Whistle Bend, which ranged from duplexes to townhouse lots. They were much, much smaller. I again will have to check on the numbers, but I believe that, for some of the smaller lots, the average price for that lot was in the neighbourhood of \$60,000.

We worked with the City of Whitehorse — the people who are doing the planning — and this was exactly — the design was to get more dense lots, again, with a range of prices in order to support affordability.

I appreciate the question. I think it's a very important question, and I'm happy to get up again and speak further to it.

Ms. Hanson: I think that, if the minister checks, he will find that it was \$58,000. It was per unit in a multi-unit lot. Currently in Whitehorse, the least expensive lot available is \$227,000, plus GST. Reviewing what is available in the communities makes it clear that lots are a little bit less expensive, but again, there are not many available.

With so few lots available in Whitehorse and the communities — especially single-dwelling residential lots — the consequence is higher prices and a higher return for government. Instead of lots priced according to the development costs, they go for market value. With demand for available lots exceeding supply, prices will only continue to rise.

Does this government believe that responsible government can and should have as an objective making sure that factors

under its control — such as the pace, supply, and price of land — for housing are done with a view to affordability?

Hon. Mr. Streicker: The answer to the question is yes, we do believe that it is important. What I will note is that, in our first two years in government, we spent more in lot development — in other words, work to get more lots out — than in the previous four years. This year, we have increased that investment again. I am looking forward to the day when we actually get to the debate on that here in this Legislature in the supplementary budget.

It is incredibly important that we work to get those lots out, and I thank the member opposite for noting that it was \$58,000 per unit. Of course, they are for townhouses, Mr. Speaker, but ultimately, that will help bring the prices of those townhouses down, which will help to create affordability. We see housing as a spectrum. Lot development is a critical piece of that spectrum, and we are working to make sure that there are a range of sizes of lots available to Yukoners in order to try to keep the prices as low as possible.

Ms. Hanson: In a recent approach to making land available, the government tried a new tactic. This time, the government decided to sell residential lots to the highest bidder — in effect, an auction. Anyone could have predicted that this approach would see an even further increase in the price of lots. One lot went for \$23,000 over the government's minimum bid for an unserviced infill lot. In a housing market that is already overheated — due in no small part to the government's ad hoc approach to development and release of lots suitable for a range of affordable housing options — we echo an editorial comment from last June. Mr. Speaker, the question is: What justification is there for government-authored escalation of lot prices in the current environment, and does this government intend to continue down that path?

Hon. Mr. Streicker: What we have been doing is investing heavily in lot development. The reason is, with the economy being so hot at this moment — this is one of the critical factors for us as a territory, the availability of lots and the affordability of housing in general — we agree with the member opposite that we absolutely need to invest. I would not call the work that the department has been doing “ad hoc” at all. In fact, what I have just said here in this Legislature is that, in the previous two years, they doubled their output, and this year, we will be doing even more than that.

What I want to say is that this is a critical factor. It is very important that we invest heavily in lot development. Our objective is to strike a fine balance in maintaining a healthy supply of lot inventory in both Whitehorse and rural communities while not adversely affecting the current market.

When considering the price of lots, we look at development costs and market values and base decisions on both the current market conditions and the cost of development and recovery.

Question re: Mineral staking

Mr. Cathers: Thursday in Question Period, the Minister of Energy, Mines and Resources told us he had worked very well with the Yukon Prospectors Association and went on to

talk about listening to Gary Lee, who is a member of that association and a well-respected Yukon prospector.

That was a surprising claim to hear him make since, that very day, Gary Lee was in our office asking us to raise an issue on his behalf that fell on deaf ears when he raised it with government. Mr. Lee asked us to raise this in the Legislature and to use his name. He has run into difficulty with the government not following the law and requiring work that the regulations say is not required.

As the minister himself acknowledged, Gary Lee is an expert in his field and well-aware of what the law says. In a letter, he explains the laws being broken by government. His letter states — quote: “Now we get to the 3rd law EMR is breaking.”

Can the minister explain why he did not fix the problem and why he is ignoring the very serious issue raised by this well-respected Yukoner?

Hon. Mr. Pillai: I would like to thank the Member for Lake Laberge for bringing this forward. I'm always open to have a discussion with Mr. Lee or any of the members of the Yukon Prospectors Association.

I was wrong. It wasn't on the weekend; it was Friday afternoon that we had an opportunity to get together. To be very open to the Legislative Assembly, I'm not aware of this particular concern, but I will endeavour to find out exactly what the problem is. I respect the individual's perspective. I can't say if that is exactly accurate, but I will reach out and pull together an opportunity to get together.

But I think it is important to say: Whether there are times that the individual is not happy with me, I still respect their advice. I took Mr. Lee's advice on looking at how we could look at non-mechanized activity. A class zero was what was brought to this Assembly over the many, many years. That's work that we feel that we can get done. We'll be talking about it further.

Once again — absolute respect for him and the association — always tough conversations in this industry. Anybody across the way who has been a Minister of Energy, Mines and Resources would well know that. But you always have to respect the other view and work to come up with solutions.

Mr. Cathers: I do want to note for the minister that Gary Lee asked us to raise this in the House after he contacted government and got nowhere.

The minister has a duty to follow the law as well as to ensure that his department is following the law. According to the letter written by Mr. Lee, EMR failed to follow the law by refusing to process his application for renewal. As noted in his letter: “Under the *Quartz Act*, I can either renew the claim with assessment work or pay in lieu of before the lapse date.”

He explains how, by refusing to process his application and allowing the claim to lapse, the government is — and I quote: “... breaking the law!” He also states that “... EMR broke the second law. EMR presumed I was guilty of not doing my reclamation... They presumed me guilty without giving me a chance to prove my innocence.”

Can the minister please explain why the government has ignored Mr. Lee's serious concerns and has cancelled his claim

on Calder Creek even after Mr. Lee pointed out that the government was not following the law? Since the minister himself has acknowledged Mr. Lee's expertise, will he commit to take action on this issue?

Hon. Mr. Pillai: First of all, to the Assembly, I am not aware of this particular concern, but I have committed to looking into it.

The Member for Lake Laberge is very well aware that, when there have been constituent concerns that have come to his attention, we have worked together in a collaborative manner to solve those problems.

I get it — it's the Monday of the Geoscience Forum. It's a great time for some theatre and to try to throw some at me — and that's okay; I get it. I would just say that I am committed to finding out what the issue is and having discussions together, and coming up with collaborative solutions usually is the best way to solve these challenges and issues. I will, today, reach out to the department to find out what this situation is about, get their perspective, and follow up with Mr. Lee.

Once again, thank you for bringing it up. Part of the role is, of course, to ensure that we follow policy and regulation and — in my mind — come up with solutions for the problems that need to be solved.

Mr. Cathers: I do have to remind the minister that Mr. Lee contacted the government many times before he contacted us, and he himself asked us to raise this in the Legislative Assembly, and we committed that we would do that.

Legislation and regulations are binding on the Yukon government. They are put in place to protect the rights of citizens and to avoid people's legal rights being up to the whim of the government of the day. Mr. Lee has been in contact with the minister's department many times over the last six months and has explained in detail how the government is ignoring its own laws.

He has provided us with copies of letters that the government received from him, including one dated June 9, 2019, and one dated September 30, 2019. The minister has been aware of the problems, to the best of our understanding. He himself has acknowledged Gary Lee's expertise, but the letters from Mr. Lee point out that the government has deprived him of his legal rights and is ignoring the wording of the regulations, and they are not being acted on. The minister has an obligation to protect the legal rights of Yukon citizens. Will he agree to do the right thing and fix the problem?

Hon. Mr. Pillai: To be respectful to the member opposite — okay, I thank you for clarifying that there have been lots of conversations with the department and that it seemed as though it was a last resort to go to the opposition. That's the beauty of this system of the Legislative Assembly, in the fact that — we never want people to have to resort to going to an opposition member, but it is a way that it could be brought to the Assembly. It has been and I am now aware that there is an issue. I will do my best with working with the department to investigate this.

The member opposite said that I was well aware. I'm here being very open to my colleagues that this comes to me as something that has not been on my radar. We deal with a lot of issues. I will look into it. I do respect Mr. Lee's expertise. I'm not aware of exactly all the details, but I will dig into it. If the right thing is there to be done, then I will do it.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 6: Act to Amend the Corrections Act, 2009 — Third Reading

Clerk: Third reading, Bill No. 6, standing in the name of the Hon. Ms. McPhee.

Hon. Ms. McPhee: I move that Bill No. 6, entitled *Act to Amend the Corrections Act, 2009*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Justice that Bill No. 6, entitled *Act to Amend the Corrections Act, 2009*, be now read a third time and do pass.

Hon. Ms. McPhee: The House has had a thorough discussion and covered a significant amount of material in detail during the debate of this Bill No. 6. I would just like to take a few minutes to highlight the bill and its context before the vote.

As I mentioned at second reading and discussed during Committee of the Whole, the tabled amendments to the *Corrections Act, 2009* are critical in order to align Yukon Corrections with international best practices and minimum standards of care for those in custody.

With these proposed amendments, the Government of Yukon is taking steps to improve the legislative framework and policies that define and regulate segregation as well as restrictive confinement within our correctional system.

The Government of Yukon is not proposing to abolish segregation, Mr. Speaker, as segregation is a necessary tool that is used as a last resort to manage risk within the Whitehorse Correctional Centre. In order to ensure that segregation is used appropriately, the proposed amendments carefully differentiate between disciplinary and non-disciplinary circumstances. Further, the use of non-disciplinary segregation will be required to meet the criteria delineated under section 19.05 in Bill No. 6. Specifically, an inmate may only be placed in non-disciplinary segregation if the inmate poses a serious and immediate threat, the inmate poses a risk to a disciplinary process or criminal investigation, or the inmate himself or herself is at risk. In addition to meeting those criteria, the Correctional Centre must demonstrate and document that they have exhausted all other options to manage the inmate.

The amendments to the *Corrections Act, 2009* will entrench in legislation the requirement for Corrections to utilize the least restrictive measures for managing all individuals in the Whitehorse Correctional Centre. The amendments will set

specific circumstances for the use of segregation, provide external oversight for the use of segregation, prevent vulnerable persons from being placed and held in segregation, and enhance access to interventions, programs, and mental health care.

I would also like to note that the proposed amendments contain regulation-making authority that will allow government to reduce the timelines contained in the definitions, including the timeline for segregation if appropriate in the future.

Our government sees these amendments before us today as necessary changes that will ensure that Yukon's legislation provides for rehabilitation that works to reduce recidivism. Reducing the use of segregation and restrictive confinement will in turn improve conditions of imprisonment for inmates.

I would like to note, Mr. Speaker, that as part of the work done on Bill No. 6, the Department of Justice received support for these proposed amendments from the Correctional Investigator of Canada and from Mr. David Loukidelis, who was contracted and conducted an investigation into the Whitehorse Correctional Centre. They have recognized and conveyed that the reforms of segregation proposed in Bill No. 6 would set a new legal standard for our country and perhaps even internationally, specifically ending the practice of confining inmates for 22 hours or more a day without meaningful contact and for establishing prohibitions on the use of segregation with vulnerable persons and independent oversight of the process.

Mr. Speaker, the goal of Bill No. 6 is to ensure that inmates have access to the interventions, programs, and mental health care that they need to safely return to general population status and to make progress toward successful rehabilitation and reintegration. The changes will promote a safe correctional environment that focuses on and fosters individualized care by providing access to services for those inmates who must be managed with access to additional tools and services. The amendments will further improve the management of the Whitehorse Correctional Centre and enhance the conditions for people who are housed within that institution.

Mr. Speaker, the proposals set out in Bill No. 6 are forward-thinking. They are improvements very necessary to our *Corrections Act, 2009*, and they are forward-looking and leading-edge here in this country.

In conclusion, I request that the Members of the Legislature support the passing of Bill No. 6, *Act to Amend the Corrections Act, 2009*, as a means to ensure that Corrections provides a safe and secure environment conducive to inmate rehabilitation, staff safety, and the protection of the public.

Mr. Cathers: I will be very brief in speaking to this at third reading. We do understand where this legislation is coming from. We do continue, as well, in the Official Opposition, to have some outstanding questions about how government, with the passage of this, will take steps to ensure the safety of staff, other inmates, and those on remand if there is an issue with an inmate who may pose a risk to them through violent actions. We also recognize the importance of protecting

the rights and mental health of individuals in the Whitehorse Correctional Centre.

As well, we do have questions that the minister has still not answered about the capital and operation and maintenance costs associated with this legislation, since we have been advised that there will be renovations required and that there will be operational costs.

In conclusion, I would note that we appreciate the work that staff of the Whitehorse Correctional Centre do. We thank them for the work that they do. We know that it can be challenging at times, and we are confident that they do their best to do their jobs in a responsible and compassionate manner in the conduct of their duties.

Ms. Hanson: In rising to speak to Bill No. 6, I would like to say at the outset that we have, as the New Democratic Party, outlined in debate at various stages of discussion of this bill, outlined that we have had and do have serious reservations about Bill No. 6 and about how it demonstrates a selective approach that has been taken by this government to the Loukidelis report's recommendations. Those recommendations came out of the May 2018 independent inspector's report on the Whitehorse Correctional Centre.

A primary example was Mr. Loukidelis' reflection that Whitehorse Correctional Centre is designated as a hospital under applicable legislation and, as he said in his report, "No one interviewed believes this is appropriate, and the Supreme Court of Yukon has strongly recommended that WCC's status as a hospital be revoked." He said and he recommended that the government should immediately revoke that statutory designation regardless of what else they do in the other 39 recommendations in this report.

Mr. Speaker, the government chose not to follow that recommendation. At its core, Mr. Speaker, is the issue of whether the amended *Corrections Act, 2009* is window dressing — an attempt to indicate some institutional response to the comprehensive and detailed recommendations made in the independent inspector's report. It's unfortunate that the option of having Mr. Loukidelis appear before this Assembly during Committee of the Whole was not proffered. I say this because it may have alleviated any perception that government departments and institutions — the institutions involved — are resistant to change — a perception reinforced by a number of factors, including the initial response to the Loukidelis report by the Department of Justice in its August 2018 recommendation matrix in which the majority of the recommendations that were accepted by the government were process-related — forming committees, looking at this a bit more, thinking about it, et cetera — and those that dealt with the systemic issues that gave rise to, among others, the Nehass case, and ultimately the inspection report was labelled "under consideration".

Absent Mr. Loukidelis' presence as a witness, members of this Assembly were left to rely on third-hand reports of comments made by the author of the report.

Throughout Mr. Loukidelis' report, he was emphatic on matters with respect to segregation. We heard through third-

hand reports that he may be satisfied with his recommendation that at no time should there be in excess of 18 hours of segregated confinement. When we look at all of the various forms of confinement that are provided for — alternate housing, disciplinary restrictive confinement, disciplinary segregation, non-disciplinary restrictive confinement, non-disciplinary segregation, restrictive confinement — they all come back and are rolled into — because we are referred every time to look at the definition of “segregation”. Mr. Speaker, this is where our profound unease comes from — because that “segregation” means “subject to... any type of custody where an inmate’s association with other persons is significantly restricted for, unless a shorter time is prescribed, a period or periods that total, in a particular day, 22 hours or more.” Mr. Speaker, we are essentially talking about solitary confinement by another name.

As I indicated in Committee of the Whole on October 31, the critical issue that arises from the proposed amendments is the notion that segregation has moved — the concept or notion of segregation has moved from a place to a condition. When somebody is isolated, separated, or segregated or has restricted contact for 22 hours or more a day for periods of time — and I will get to that in a second — it is really difficult to see how that is a condition and not a place. It sounds to me like we are playing semantic games.

We indicated on October 24 — when we were debating this bill again — that this is a pretty difficult concept. What does it mean, and how will it look? What is the impact?

Mr. Speaker, I am not intending to reiterate my comments from October 31. I believe that we laid out in considerable detail the facts relating to the proposed amendments — those that are contrary to the recommendations of the Loukidelis report — and that, contrary to the recommendations of the Loukidelis report, the government has chosen to provide legislative approval for segregation that may be 22 hours or more per day and — word play aside — 22 hours-plus — that means 24 hours — for a legally sanctioned maximum of 15 days at a time, with the option for that to be extended to 60 days in a year broken up by five-day break periods.

We believe that this does not meet the spirit nor the intent of the recommendations in the Loukidelis inspection report.

We ask, Mr. Speaker, to keep in mind that these sanctions will apply to both individuals who have been sentenced to jail — or to the Whitehorse Correctional Centre — and those who have not — those who are at Whitehorse Correctional Centre on remand.

The amendments presented to this House are premised on the establishment of new regulations to guide the transformation from what looks like, on paper — the bill presented — a replication of previous Correctional Centre rules and policies. However, Mr. Speaker — and this is where it really is difficult because — as we have seen to date — there have been a number of significant amendments made or new legislation — not a number, there have been — I can cite five — pieces of legislation that have come forward, two of which are amendments and three of which are legislation, the

implementation of which cannot happen without regulations, and we are still waiting for those regulations.

So, we are being asked to believe — and the inmates, the families, and the communities in this territory are being asked to believe — that this transformation is going to occur sometime in the future. But we have not seen regulations put in place with the *Lobbyists Registration Act*, amendments made to *ATIPP*, the *Condominium Act, 2015*, the *Coroners Act*, the *Societies Act*, or the *Securities Act*.

All those pieces of legislation that we debated in this House are pieces of paper until the regulations are completed and the acts are therefore enacted — because you have the whole body of what is required to give them effect. To date, we have seen that this government has been slow to bring forward regulations, as I said, on any of the legislations or amendments to existing legislation passed by the 34th Legislature.

In addition, Mr. Speaker, when opposition MLAs were briefed on this legislation and we asked the question, the response was that there had not been a lot of consultation on the legislation. At the time of the briefing, it was not established how or with what form or when consultations on the regulation might occur. What we’re saying, in effect, is — we’ve had an interesting exercise in talking about what might be in another world, but what we don’t have is any clear message about how and when things will really change at Whitehorse Correctional Centre.

Absent the certitude that properly crafted regulations would bring to the stated objectives of these amendments to the *Corrections Act, 2009* and combined with the fact that, despite the recommendations made on the independent inspections report, this government has retained the practice of segregation that can exceed 22 hours a day, we are forced to vote against Bill No. 6 as proposed. We urge the minister to ensure that the process of developing regulations for the proposed amendments is done in an open manner, that best practices are openly considered — including the possibility of returning to this House with further amendments that more clearly line up to the principles of the *Corrections Act, 2009* — an act intended to govern a community corrections facility and not a super-max prison.

So, Mr. Speaker, as a matter of principle, as I said, I cannot and will not be voting in support of Bill No. 6.

Speaker: Is there any further debate on third reading of Bill No. 6?

If the member now speaks, she will close debate.

Does any other member wish to be heard?

Hon. Ms. McPhee: I will just make a few comments in response to those made by the members opposite.

I certainly appreciate comments from the Member for Lake Laberge. Staff at the Whitehorse Correctional Centre are in fact experts in safety and in corrections. Their own safety and the safety of inmates are a top priority for their work every single day.

I can note that, with respect to the comments made by the Member for Whitehorse Centre, I’m woefully disappointed in

her serious reservations because I appreciate her point of view, that the report and the recommendations from Mr. Loukidelis — which I will speak about in a moment — are critical. They are the driving force in respect to this process and these changes that are contemplated by Bill No. 6.

She has heard me say that Mr. Loukidelis is in support of these. He certainly wasn't aware that the Third Party would be interested in having him here as a witness. That certainly could have been arranged, but no request came to us about that — or certainly not to me about that. Mr. Loukidelis was already here as a witness, Mr. Speaker, as you may recall, last year. All of the questions put to him were answered and welcomed both by him and by the Department of Justice and our government, because these are important changes that he has made recommendations about.

There is progress happening with respect to the recommendations made by Mr. Loukidelis — all 39 — or some people count 40 of them. There is an implementation working group that was struck almost immediately. They make quarterly reports in writing to the Deputy Minister of Justice. Those are put on the Justice website immediately upon their availability, and we will continue to do so. We spoke recently about having that work continue, but not without end. There needs to be a work plan finalized by the implementation working group so that the rest of the changes recommended can go forward.

What you and other Members of this House may recall, Mr. Speaker, is that when the implementation working group was struck, they were given one mandate and one mandate only, which was to make the recommendations happen and to figure out the best way to make those happen. They weren't given a long set of terms of reference. They weren't given those — they were given one job, which is the job they are working on. That work is underway. It continues to be underway. There are many changes — real changes — happening. We are not talking here about semantics. We have the Correctional Investigator of Canada and the author of this report both saying that this is progress, this is change — this is real change in Canada, and Yukon is leading the way.

The fact that the Third Party is unable to support that is very disappointing. I think it is more disappointing because I believe that their interest is in making progress, making things better at the Whitehorse Correctional Centre, and making progress for inmates there. Never have we talked about a maximum-security institution. What we are talking about here is individualized programs. We are talking about using segregation as a tool when necessary and as a last resort. We are talking about making sure that the last resort concept is put in legislation, where it does not exist now. We are talking about independent oversight. We are talking about putting independent oversight into the legislation where it currently does not exist.

This is all real progress — entrenching those concepts as well as a list of individuals who are often at risk who cannot, for any reason, ever be put in a segregation status. I think this is real progress; I believe it to be.

I share the concerns in the past about the way in which the Whitehorse Correctional Centre was implementing the

situation of dealing with inmates. I share the concerns about the *Corrections Act, 2009*, and we brought here changes that will make that piece of legislation better.

Unfortunately, with respect to the comments regarding regulations — the process requires us to have legislative authority to make regulations. I appreciate and I'm sure that the member opposite will not be surprised by the fact that I have said it here many, many times. We talk about it as a government; we talk about it as a Cabinet and as a caucus. The pieces of legislation — many, many pieces of legislation — real pieces of legislation that affect Yukoners — are not valid until the regulations come with them, and that work is being done diligently by members of the public service. I know, across departments, that the policy work and the work on regulations is being done on a daily basis and that — I don't disagree at all — those regulations must come forward. But in order to have the authority to make those regulations, we must bring a piece of legislation here. I thank the work of the individuals who work not only on the drafting of these pieces of legislation but the policy work that goes into it, the regulations that come after it, because I know how hard they are each working on this to make these laws real for Yukoners.

Change is underway, as I've said. I appreciate the — I'm not sure it's fair criticism, but I certainly respect the right of the member opposite to make it. We are not bringing forward here anything that looks like “window dressing”. The experts in the field have seen this information — have seen this bill. They have recognized it to be valuable and they have recognized it to be real, positive change going forward and have recognized it to meet the international standard of the Mandela Rules, which currently no legislation in Canada meets.

I am proud of this piece of work. I am asking the members of this Legislative Assembly to support it.

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: Disagree.

Ms. Hanson: Disagree.

Clerk: Mr. Speaker, the results are 16 yeas, two nays.

Speaker: The yeas have it. I declare the motion carried.
Motion for third reading of Bill No. 6 agreed to

Speaker: I declare that Bill No. 6 has passed this House.

Hon. Ms. McPhee: 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): Committee of the Whole will now come to order.

The matter before Committee is general debate on Bill No. 4, entitled *Act to Amend the Elections Act*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 4: *Act to Amend the Elections Act*

Chair: The matter before the Committee is general debate on Bill No. 4, entitled *Act to Amend the Elections Act*.

Is there any general debate?

Hon. Mr. Silver: I am extremely pleased today to speak in Committee on Bill No. 4, *Act to Amend the Elections Act*. I would like to introduce Maxwell Harvey, our Chief Electoral Officer, and also Lawrence Purdy, legal drafter. I thank them for their time and support here today.

I would also like to acknowledge specifically the work of Maxwell Harvey, Chief Electoral Officer of Elections Yukon, who recommended the amendments to Members' Services Board as part of the important ongoing work of Elections Yukon to review our elections process and to ensure that these proposed changes are well prepared and in place for the benefit of all Yukoners.

Again, I want to acknowledge the work of the individuals of Members' Services Board in reviewing the recommendations and developing the amendments that we are looking at here today. I appreciate the thoughtful comments and support of members during second reading as well.

As a brief summary, these proposed amendments are designed to strengthen our democracy and to ensure the

integrity of the elections process, access, and convenience and to support the foundations — the fundamentals and the basic rights — to vote in a democratic system. This will modernize Yukon's registration and voting processes and make them more accessible and convenient for Yukon voters.

The amendments are focused on three areas: (1) providing access to information needed by Elections Yukon to implement and operate the new permanent register of voters effectively; (2) aligning the voter registration process and timelines better with the new system, making it clearer for voters; and (3) increasing access to special ballots for all voters and making special ballot processes and timelines clearer and better aligned with the new register and processes through the election period.

As mentioned when I presented the bill in second reading, the transition from enumeration to a permanent register was provided for in the 2015 changes to the act. The whole point was to move from an in-person, door-to-door enumeration process — which is inefficient, labour-intensive, and very time-consuming — to a more modern and up-to-date system. Because it is an electronic database, the register can receive data from multiple sources and be continually updated as new information becomes available. That data is used to cross-check and to verify the accuracy of the information on the register.

There are two key amendments focused on improving the information available for the register. The first is to authorize direct information sharing between Elections Yukon and the public bodies, such as the Government of Yukon departments, without the requirement of individual voter consent. This would expand the sources of information that the Chief Electoral Officer may access for the register for electoral purposes. This would include Elections Yukon obtaining information from Yukon public bodies — such as the Department of Highways and Public Works, for example. This will allow Elections Yukon to directly obtain information from other public bodies, which is much more efficient. Electors will have the right to opt out of information sharing — versus the current opt-in process.

The second is to designate Yukon First Nations as electoral authorities under the act. Right now, Elections Canada and municipal governments are electoral authorities under the act, which allows them to share their voters lists and information with Elections Yukon to have them included in the official voters list. This allows voters who are registered to vote by one electoral authority to be registered to vote by another.

With new amendments, Yukon First Nations could make arrangements with Elections Yukon to share their voters list information to include it in the voter register in the same way that a municipal government can. These amendments are consistent with data-sharing best practices used across Canada to support the electoral process.

Yukoners' personal information will be used only for electoral purposes and specifically for the permanent register to create lists of voters that are used by election officials and candidates. Those lists of electors will only contain names and addresses. These changes will ensure more complete, accurate, and up-to-date registers and voters lists, meaning that more Yukoners will be registered to vote. This also ensures that their

information will be current and that the voting process at the polls will be a faster, more efficient process.

I want to talk a bit about registration processes and timelines too. The second key areas of amendments are to align the timelines for the voter registration and revision during the election period. This will provide for better consistency and integrity of the voters list that needs to be produced, as well as a more accessible registration process for voters. Changes will provide more opportunity and flexibility for voters to register or revise their information within and between election periods when applying for special ballots at advance polls on election day.

The amendments will allow voters to register or update their information online. It will extend the full revision period — including online, mail, e-mail, registration, and corrections — from day 19 to day 21 after the writ is issued in order to produce the revised list needed for advance polls, which will be on day 23 and day 24. The amendments will also provide for a full revision until day 21, as well as up to day 28 at the returning officer's office for special ballots at the advance polls and on polling day. It will also remove the current special revisions period, which is from day 20 to day 28 and which only allowed electors to add their own names. This provision is not necessary as voters can revise all of their information right up until election day at the polls.

One of the most significant changes in this package of amendments is aimed at expanding access to voting by special ballot to all Yukoners, with one clear deadline for applying. Special ballots allow more flexibility for persons who are not able to or do not wish to attend advance polls or regular polls on election day.

This is especially beneficial for Yukoners who work in remote locations for extended periods of time or who are travelling or studying out-of-territory. Currently, voting by special ballot is restricted to certain voters, and the process is confusing, with different application deadlines and special conditions. The amendments will open up special ballots as an option to any eligible voter and establish a single, consistent application date for anyone applying for a special ballot. This will be day 28 of the election period or the last Friday before election day — whichever is later.

The amendments will also establish two categories of special ballots — in-district and out-of-district. Anyone can vote by special ballot in or out of their voting district. For those voting by special ballot who might be outside of their district while they obtain their ballot, they could now move between districts and return a special ballot to Elections Yukon anytime before the close of the polls. Previously, a voter would need to return their ballot within their district by day 24 of the election period. Applications can be made in person, online, or by mail, and all special ballots can be returned right up to the close of the polls on election day. For the special ballot vote to be counted, electors can return their special ballot by mail or in person to their returning officer in their district or to the Chief Electoral Officer in Whitehorse. Special ballots, as for previous elections, cannot be accepted at the polling stations.

There are several additional amendments in the package to clarify and to improve special ballot processes, including to clarify that those in correctional centres and those in districts of less than 25 people — registered electors — must vote by special ballot. For small polling divisions required to vote by special ballot, the threshold will be set at 25 or fewer registered electors. If there are more than 25 registered electors in a community, a polling station will be provided.

As well, the amendments will work to further safeguard the secrecy of the remote voters by setting out the confidential process used by Elections Yukon for recording the vote.

Finally — this last one is very important — we continue to recognize the needs of rural voters here in Yukon. Our process and the *Elections Act* allow for voting by remote voters by special ballot by phone, unlike Elections Canada. With this flexibility, we will be able to provide rural Yukoners with more options. We saw this play out in the federal election, Mr. Speaker, in my riding.

I would like to sincerely thank, again, Mr. Harvey for his hard work, Members' Services Board for their diligence and cooperation on developing these amendments, and all members for their time and valuable contributions to the discussion around the act and the amendments again here today during second reading and when Mr. Harvey appeared as a witness last week. Taken together, this modest but important package of amendments that we have before us will bring the permanent register to life and improve the registration and voting process for Yukoners.

Again, I need to stress, Mr. Chair, the integrity of the electoral system and improved services in the voting process are what this package of amendments is focused on.

With that, I will cede the floor and field some questions from the opposition.

Mr. Cathers: The Premier's speech was largely repetitive; we have discussed this before. I would just note in speaking to this at Committee of the Whole that, while we believe that this legislation should be amended rather than proceeding in its current form, we know very well that the government is going to vote against that, so we would be wasting our time in doing that. In the interest of debating other matters, we will not go through the formality of proposing amendments that the government will vote against.

What I do note though is that the Premier and this Liberal government are breaking the tradition which has long been in effect in the Yukon of reaching an all-party agreement before proceeding with changes to the *Elections Act*. As the Premier knows very well, the last time the legislation was changed — I was then the Minister of Justice — we not only shared the text of the bill with all members of Members' Services Board, but we received their agreement. The Premier himself — the then-Leader of the Liberal Party — and the then-Leader of the NDP were right alongside the Premier in the press release announcing these changes had been agreed on. In fact, we went so far as to tell the then-Official Opposition and the then-Third Party that, if they did not support the bill, we would not even table it. So, this is a departure from that tradition of reaching an all-party agreement.

I would note that changes that are being undone in this legislation, including the changes around early voting for special ballots, are ones that the Premier supported last time, as did the New Democratic Party. They were well aware that those were proposed within the bill, as they went through those parts of the bill with the Chief Electoral Officer of the day and the legislative drafter.

Again, I do want to just put a few points on record before moving on with debate in Committee of the Whole, but I note that the Yukon Party has been clear that we believe that there should be a sincere attempt to reach an all-party agreement before changes are made to elections legislation or before an electoral reform process is embarked upon.

We note as well that we respect the views of the Chief Electoral Officer and note that we recognize that there's a philosophical difference between the current Chief Electoral Officer and the previous Chief Electoral Officer, since the last Chief Electoral Officer proposed the pre-writ special ballots that are currently contained in the law. We respect the views of both of those individuals, but as I stated previously, it is my view and the view of our caucus that democracy belongs to all Yukoners. It does not just belong to politicians or to bureaucrats, no matter how well-intended they may be. We believe that, if significant changes are being made to laws affecting either the manner in which people cast a ballot or their opportunity to vote, the people do have a right to be consulted and to have their views heard and for those views to be fairly considered.

As I've noted before, there are 206 people, according to the information from Elections Yukon, who made use of the early voting which is being eliminated by this legislation tabled by the Premier. Certainly, that could have materially affected the outcome of the last election, since I believe it was roughly 10 seats that were won by 60 or less votes. Of course, some members of the Premier's own Cabinet were elected by margins of 14 votes or I believe seven in another case. Again, this is about the principle around who democracy belongs to. We know that if we were to propose amendments, government would vote them down based on what they have said.

I also want to note that, if the public were consulted on the proposed changes to special ballots and supported it, we do not have a problem with the concept of it. But we do fundamentally believe that the public has a right to be consulted before this change is made and before a major change that reduces the ability to vote and that, last time, could have potentially disenfranchised 206 people.

Again, none of us in this Assembly, including the Premier and all members, are aware of how many of those 206 people would have found another way to cast a ballot, but the important thing is that there is only one party in this Legislative Assembly that is saying that we need to ask the people first.

I would note that, for the Liberal Party, which ironically ran on a campaign slogan of "Be Heard", their refusal to support our request for public consultation on the proposed changes is disappointing, and it's certainly not what Yukoners expected when they elected this Liberal government. I think it's fair to say that anyone who believes the Liberals' promise that

their government would be all about the public being heard would have expected that, if changes were made that could disenfranchise any voter, they would have the right to be heard from before those changes were made.

With that — unless there are further comments that require my response from across the floor — we recognize that the government is going to ram through these changes. It's just disappointing to see them fail to live up to their campaign commitments to the public and to choose to break the tradition of reaching all-party agreement on changes to elections law.

Hon. Mr. Silver: I think one place where we can agree to disagree is that there was long-standing practice from Members' Services Board when it came specifically to *Elections Act* amendments to have all-party consensus. The member opposite can break the confidence of those committees by talking about that process the one time, but, Mr. Chair, the Yukon Party opened up this act a few times in their mandate — several times, actually. What I would say would be a diversion from a former practice would be a consultation stage once the bill was being debated in the Legislative Assembly — or an opportunity at that time. I don't recall the Yukon Party offering up that consultation process in the past. I might be wrong on that, but I don't recall that. It certainly didn't happen when I was in the Legislative Assembly in opposition with Members' Services Board.

Again, it is great to get consensus on all matters that the Members' Services Board deliberates upon, but I do not recall a process or a procedure where we agreed that we would go forward with all-party consensus. It did happen in that case. I will agree with the member opposite that, when the previous amendments were being debated by the Members' Services Board, we did come to consensus, but one time does not basically determine that there was a long-standing practice.

Again, it's not a question from the member opposite — more of a criticism, which I will take — but at the same time, I think we will disagree that there was a long-standing practice there. I'm happy to answer any specific questions that the members opposite have to these amendments.

Mr. Cathers: I would point out to the Premier, as well, that the previous time the elections law was changed, in 2008, it also went forward with all-party support.

I do just have to mention — he was trying to suggest that I have breached the confidentiality of the Members' Services Board. The Premier knows that, in fact, the comments that he and the Government House Leader have made have breached confidentiality of that committee. I have been very careful, in speaking, in how I frame my statements and have simply noted that — when talking about Members' Services Board and the positions that we have put forward regarding this legislation — Yukoners can be confident that the Yukon Party's position, in this Legislative Assembly and behind closed doors, is consistent and that the positions that we take forward in committees — that we are not allowed to speak about because the government refuses to waive confidentiality — are consistent with the statements that we make in the Legislative Assembly.

Again, the Premier was elected after doing much to criticize the previous Yukon Party governments and promising to be more open and transparent, literally running on a campaign slogan of “Be Heard”. We provided the option and suggestion that this specific change that would reduce the opportunity for people to cast a special ballot should go out to public consultation first. There is no reason that this couldn’t have occurred, and the Premier instead is choosing to deflect and to suggest that some changes in the past weren’t consulted on, but I have to remind the Premier that those changes opened up people’s opportunities to vote. They increased people’s chance to cast a ballot, and there is a big difference between steps being taken to expand people’s right to vote versus narrowing their opportunity to cast a ballot. In the latter case, we will continue to argue — although the Premier is conveniently forgetting his own campaign commitments — that people fundamentally have a right to be heard on this issue before this change is enacted.

Hon. Mr. Silver: Again, the member opposite is not necessarily portraying these changes accurately. He is making it seem that, because we have changed the special ballots, now it is harder for people to cast their ballot, and that is just absolutely incorrect.

The member opposite is also making it seem that, based on the amendments that we are deliberating here in the Legislative Assembly, fewer people are going to vote in general with this new process. I think that Mr. Harvey did a spectacular job of identifying that, just by having the voter registration alone, thousands of Yukoners — not a few hundred, but thousands of Yukoners — now are going to be part of a permanent list, where we did not know if they were voting or if they were registered in the past. Special ballots will now be open to any Yukoner as opposed to specific Yukoners — that again increases the opportunity for voters — absolutely — especially the 200-some who the member keeps on referencing.

I am not going to spend a lot of time debating with the member opposite. I think that he’s wrong. The numbers speak for themselves when we take a look at all of the progressive changes that have happened in this legislation to allow thousands of people on a registered list. I believe that all of these systems that we are debating on the floor of the Legislative Assembly help the integrity of the list and therefore the integrity of the process. I will just keep it at that. The member opposite can criticize us on our platform commitments, but we believe that this particular bill and this particular legislation is a positive and progressive pathway forward for all Yukoners.

Mr. Cathers: The Premier can call it a “positive and progressive pathway”, but it is true that he doesn’t want Yukoners to have an opportunity to express their views on it before the House passes it into law.

The Premier can try to say that it is not reducing voting opportunities, but the legislation is quite clear. The provisions that were in effect in the last election, which allowed people to cast special ballots three months before the writ was dropped in the 2016 election — that early voting opportunity is being dropped. The Premier can try to say that reducing that window

isn’t a reduction, but it is. Fundamentally, as I have said before in this House, what is the harm in asking the public for their view on this legislation before it comes into effect?

Again, the Premier, I would expect, is going to spin and bluster and pretend that they are not breaking their campaign slogan of “Be Heard” by ramming through these changes, but Yukoners can judge for themselves and see the facts in black and white.

Ms. Hanson: I am happy to rise to speak to Bill No. 4, *Act to Amend the Elections Act*. At the outset, I want to thank the officials for being here, particularly Mr. Harvey.

Mr. Chair, I think the exchange that we just unfortunately had to bear witness to speaks to the absolute importance of having independent officers of the Legislative Assembly appear in the Legislative Assembly when we’re talking about things such as the amendments to the *Elections Act*, which really reflect the essence of democracy and all of our responsibilities as members of this Legislative Assembly.

Regardless of whether or not the process to get here came partially through a board of the Legislative Assembly that is made up of representatives of this Assembly, ultimately, the Chief Electoral Officer is responsible for the *Elections Act* that governs the activities not just of us as elected members, but us in seeking to become elected members and of the citizens — setting out the citizens’ rights and responsibilities with respect to participating in that fundamental process of elections in the Yukon.

Having had that opportunity to have the — what it does do is it takes away the perception that there’s an armament or whatever around what’s being proposed — because it’s a bill that’s tabled by government. In my view, having had that opportunity to question the Chief Electoral Officer, we were able to hear — he was able to speak on the merits and outstanding issues and to explain the rationale for some of the proposed changes and other related questions that were raised to him.

I think that it’s no surprise to most members of this Legislative Assembly that, when the review was done in the Legislative Assembly, having a minister there — it’s different because the person is speaking through the minister as opposed to speaking directly to that official who has charge of the bill ultimately and how it’s executed.

I would argue, Mr. Chair, that very few, if any, of the extant members of the previous Assembly would have thought that a government would hang around for five years and that the provision that was put in there for some reason about being able to vote by special ballot after the November of the fourth year. That was probably considered anomalous and considered by most of us as, “Really, that’s not going to happen.”

The notion that somebody would be voting a year in advance for something just runs, as I said before, contrary to the notion of an informed vote, which is the essence of the democratic process. Keeping in mind, Mr. Chair, that we also got rid of proxies — again, if people want to hang on to what was done in the past — well, that’s fine, but we don’t do proxies anymore. We agreed to that.

I think that the changes that have been recommended are important. The timing and the timeliness of getting this done cannot be overstated because there is a lot of work to be done regardless of when an election is called. We have heard from the Chief Electoral Officer about the significant amount of work that's ongoing now and that needs to be done in order to "be election-ready". At the same time — to run in parallel — we have these distinct — and I would argue limited in terms of the number — they're not limited in terms of scope, but limited in terms of number — amendments to the *Elections Act*. But we, as members of this Legislative Assembly, need to anticipate that there will be further changes coming and that we need to be ready to participate fully in that conversation.

We were quite happy to see these amendments go forward and that the necessary processes be put in place to give them effect so that the Chief Electoral Officer and his office are indeed ready for an election at any time.

Hon. Mr. Silver: Thank you to the members opposite for their questions. Interestingly enough, as we talk about change and modernization — this is all about integrity. It's about increasing the options for Yukoners to vote, but it's also about the integrity of that process.

As the Member for Whitehorse Centre has said, proxies are no longer — this is the first year that we're not going to have those proxies. But at the same time, there is modernization as well.

This is also the first time that we have an online registry as a new option that provides a much more convenient process for Yukoners to ensure that they are registered to vote and that the information is accurate and up to date. Yukon Elections will be rolling out that new system and other improvements in the coming months to enable that online registration for new voters and for updating information of existing voters.

When we talk about where we are today in these modernizations, it's important to remember that the amendments are primarily focused on the implementation of that permanent register — which was established in 2015 under the previous government, but it wasn't fully operationalized at that time — and also worked to bring in these standardized processes across Canada.

It is interesting that, again, when that register was considered by a previous government, there wasn't a consultation process at that time, either. What does happen is — you know, you take a look at the review and preparation by Yukon Elections between elections — you take a look at all of the recommendations from the Chief Electoral Officer that is based upon countless hours of working with the returning officers, the political parties, and Yukoners in general.

I know, myself personally — being around the Elections Office in Dawson — lots of great opportunities for the electoral officers there to feed in from the public what they hear at those times. But, again, it is important to note the importance of these changes — the importance of modernizing them and the importance of also bringing us on speed with other jurisdictions in Canada.

So, again, thank you to the members opposite. We will see if there are any more questions.

Chair: Is there any further debate on Bill No. 4?

Hon. Mr. Silver: If not, I do think that it is important to just run through a few of the special ballot changes in general. I won't take a lot of time here, but it is just really important for Yukoners to know about these changes — especially about who can vote by special ballot. It is now available for all Yukoners to vote — and this is greatly expanding those options and provides more flexibility to Yukoners, as currently, only certain categories can vote by special ballot.

So, the question of: When can I get that special ballot — those will become available at the time of the writ being issued. This is the day that the election is called, and those special ballots are available until the Friday before the election, as we said, or the 28th day of the writ — whichever one is latest. Voters can apply for special ballots before the writ is issued; however, the ballot will not be provided to the voter until after the writ is issued.

So, I just want to clarify those new determinations.

Chair: Is there any further debate on Bill No. 4, entitled *Act to Amend the Elections Act*?

Seeing none, we will proceed to clause-by-clause debate.

On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Clause 15

Ms. Hanson: I just want to ask a clarification question. I believe that this section deals with remote electors. It is my understanding that Yukon has provisions to allow for remote voters to phone in or video in their vote and that they will not get a special ballot. Is that correct?

Hon. Mr. Silver: In a nutshell, yes. The voter must be on the registered list, but that phone call is enough so that we

don't have to send out a kit for a special ballot. As Members of the Legislative Assembly will remember, the phone call that came in — or the satellite conversation that happened with voters in Dawson City — with basically the Chief Electoral Officer bending over backwards to make sure that someone had the chance to vote — it was great to see a process where these two had a chance to exercise their democratic right, but we saw that the Canadian government said, “Well, no, we can't do that.”

What a great news story — for the work in this amendment — that special ballots are here which allow remote people to be able to make that phone call — and, I believe, in that case, it was a FaceTime conversation that actually determined the clarification of those voters through that process.

Clause 15 agreed to

On Clause 16

Clause 16 agreed to

On Clause 17

Ms. Hanson: I just have a question. Section 136 has been replaced, and section 136(1) says, “Any person may, before the end of the 21st day... apply for the inclusion of an elector in, the removal of a person...” So, what constraints are there in terms of “any person may” apply to see somebody's name removed from the electoral list?

Hon. Mr. Silver: This is, for example, if there is a deceased person on a list, and let's say that there is nobody in the Yukon who is a relative, but if there was somebody in the rest of Canada, that would be the “any person” consideration. Anybody can make the call and say, “We would like to have person X taken off of a list because they are deceased.” That's why it's “any person” as opposed to a Yukoner or that type of thing. Again, the due diligence is there, and the onus is on the Elections Office to make sure that these individuals have, in fact, passed, but that's why it is open to say, in this change, “any person”.

Clause 17 agreed to

Unanimous consent re deeming all remaining clauses and title of Bill No. 4 read and agreed to

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all remaining clauses and the title of Bill No. 4, entitled *Act to Amend the Elections Act*, read and agreed to.

Chair: Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all remaining clauses and the title of Bill No. 4, entitled *Act to Amend the Elections Act*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 18 to 24 deemed read and agreed to

On Title

Title agreed to

Hon. Mr. Silver: Mr. Chair, I move that you report Bill No. 4, entitled *Act to Amend the Elections Act*, without amendment.

Chair: It has been moved by Mr. Silver that the Chair report Bill No. 4, entitled *Act to Amend the Elections Act*, without amendment.

Motion agreed to

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

Do members wish to take a brief recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 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*.

Mr. Silver, you have eight minutes and 38 seconds.

Hon. Mr. Silver: Thank you, Mr. Chair. I will cede the floor to the member opposite.

Mr. Istchenko: I want to welcome the staff here today who will be aiding the Premier and those who are listening on the phone and will be providing some answers and also aiding the Premier.

My line of questioning here is going to be about the Yukon *Wildlife Act* proposed regulation change proposal that just came out this week. I want to start — when you look at it, there are a lot of pages here. I want to talk about the survey on surveymonkey.com on the proposed regulation changes. When you go to the survey and you first get to it, it tells you a bit about it. It says that, if you want to know more about the Yukon Fish and Wildlife Management Board, you can go to the website to find out about the board, and that this survey is “... your opportunity to be directly involved in the sustainable management and conservation of Yukon's fish and wildlife...”

It talks about when you need have your comments in, and it has to be by 4:00 p.m. on Sunday, December 8 — which is, I believe, less than a month away. If you want to learn about how the regulation change proposal timeline can be found, you can click here. Then you enter your name and then you head off to the survey.

Now, there is the index of proposals in the survey, which is one through — actually, there are 14 proposals and then some administrative changes. I will speak to many of these proposals here in a little bit. But you go through — so you tick all of those off — and if you don't know to tick all of those off because it's a little vague — you go to that, and if you don't tick all the boxes off and then you just click “end survey” and your comments — you miss out on a bunch of stuff. So, the surveys are a little bit jaded, I believe, that way. I guess one of the biggest things is, when you go to the survey and you go to the next question on it, it tells you what the proposal is, why the

change is proposed, and additional information to support this change. So, the additional information to support change number 1 — it's a one-liner. Then you get to comment and continue on to the next one.

Now, you can't do — I'll go previous here. You cannot be involved in — like it says, you get your comments in and you get to be helping and adapt its work and whatever — but you can't have that if you don't have any information. So, if you look at the first proposal — which is a moose regulation proposal — adaptive management, and it is proposal number 1 — it says a bunch of information in here. But the biggest question that most of the people want to know is — they want to know why and they want to look for the data.

So, I guess at a very high level — I'm going to get a little in-depth. Does the Premier believe that — for all of these recommendations — we have the data for Yukoners who fill out this survey — the correct amount of data for them to make a sound, correct decision — science-based decision — when I talk about data, I talk about surveys and the science — up-to-date surveys, survey numbers, the science behind it, traditional knowledge, and where the concerns come from — this is out there on the survey so that people can make a sound decision?

Hon. Mr. Silver: Yes, I do. But if the member opposite is noticing that there are some glitches in that system, then I appreciate the comments on the floor and I will make sure that the department reads over the Blues and has an opportunity to take a look to see if they are getting impartial engagement and, if so, look into it to see if there is something that we can do to make sure that — again, we have been doing a lot of engagements. This will be our 69th public engagement that we have done in the last three years — so, lots of engagement out there — a brand new website — always looking to make sure that the system is streamlined so that it reaches the most Yukoners possible.

Mr. Istchenko: So, in proposal 1, it says, "Moose Regulation Proposal — Adaptive Management of Moose in Yukon". Who has proposed the change? So, my questions are — and these are changes proposed by the department. The first one says, "Amending Wildlife Regulations enable Ministerial discretion to determine moose harvest by game management subzone or groups of subzones".

I have been asked a lot of questions since this survey came out on what this means. Does this mean now that the minister can determine moose harvest in game management subzones or groups of subzones without going through the regulation change proposal? Is that one of the reasons that this is being proposed?

Hon. Mr. Silver: So, again, as the member opposite knows, there is consultation happening as we speak. There were great conversations in Dawson just this weekend. We will be bound and determined by those recommendations that come out of that process.

In regard to the very specific question about ministerial control — if the member opposite can re-ask the question. I am not sure that I completely understand what part of that ministerial control he is worried about.

Mr. Istchenko: Thank you, Mr. Chair. I thank the Premier for that.

So, what I'm getting at is — with this regulation change proposal, will this mean now that the minister can make changes to how we harvest moose and make changes to the *Wildlife Act* without going through the regulation change proposal process?

Hon. Mr. Silver: I will have to get back to the member opposite about that specific question.

Mr. Istchenko: Okay, I look forward to that. Some of the other proposals here — one of them is: "Enable threshold or registration hunts across Yukon". A threshold and a registration hunt are two different things. My question would be: Is he asking for which one is better from those people? Are we going to do both, or are we just going to do one? A threshold or a registration hunt are two different things. It says, "Enable threshold or registration hunts across the Yukon". Does it mean that one area might be a registration hunt and one area might be a threshold hunt? Or will it all be threshold or will it be both in one area?

Hon. Mr. Silver: In terms of going through every one of the questions on the engagement survey and asking very technical, specific questions about what we are trying to garner from that information — I think a better process would be, if the member opposite has specific questions to that process, he could send them all. I can't answer them on the floor of the Legislative Assembly. I didn't design the survey myself personally, yet, I would love to be able to answer the questions — maybe if he had a list of questions for the department on the specific questions and what their intent was on those questions.

Personally, as I look at these questions, I think that they are self-evident — what the questions are trying to get, which is an engagement from the communities to make sure that, when we are looking at sustainability issues, we are getting it right and engaging with all of the stakeholders and governments as well.

To ask me about the specific intent of questions from a survey from another department — it's hard for me to answer those questions on the floor of the Legislative Assembly other than to say that we are looking at proposed regulation changes that would allow greater responsiveness and flexibility when it comes to the management of our species. These questions are designed specifically to garner that information and some suggestions and recommendations from the community that this affects.

Mr. Istchenko: For the Premier, if you look through the proposals — the reason I am asking the questions — these are the questions that some of the people will be able to maybe get answered at the public meetings. There might just be a question that goes.

A citizen in Dawson might say, "Which one is it: threshold or registration?" The local chair of the resources council who is chairing that meeting and the management board members who are there say, "It sort of depends on what you guys say." Right? So, it goes forward. I understand that.

But the folks who are doing it online — not everybody goes to public meetings. Sometimes, for public meetings, the only way people show up is if we raffle off a chainsaw or

whatever. People are enthralled in their lives and they have kids and families, and a lot of those middle-aged folks take their kids to hockey or soccer and everything else and this is the last thing they want to go do, but they say, “Geez, I better fill out the survey really quick.” They go through it, but they don’t have a lot of information and data.

That’s why I’m saying that — and the next one on it says, “Enable ability to apply ORV restrictions to a subzone or group of subzones across Yukon”. We are doing a process for ORVs — this government is doing it right now. So, is this going to be a separate restriction, or will it follow the process the government is doing right now?

Hon. Mr. Silver: We haven’t been hearing a lot of complaints on the engagement process on the online service. The member opposite did present a hypothetical situation where yes, absolutely — in that case, I could see this being problematic. If the member opposite has some constituents or others who have voiced their concerns, the department is more than willing to engage with these concerned citizens to run through those specific questions, but for me to speculate as to what that concern is going to be — it’s hard for me to answer those specific questions on the floor of the Legislative Assembly.

Again, we will speak with the department and see if there have been some issues with impartial surveys or questions not responded to because people didn’t understand the full capacity of the question, and we will endeavour to get back to the member opposite to make sure that Yukoners who are trying to be involved in this process feel that they have given adequate information and also have received adequate information.

Mr. Istchenko: It would be interesting to find that out, because a “one-government approach” is what we hear quite a bit from the members across the way, but when they talk here about ORV restrictions to a subzone or subzones, there might be a two-government approach then, maybe. That’s what people are unsure about when they read the survey or they go to the public meetings.

It can’t always be the chair or the people who are chairing those meetings who have the information that the government holds. If you look for why the change is required, it says, “Currently, the challenges we face include known harvest rates in many Moose Management Units... to be at or above levels that are sustainable.” It says, “There is uncertainty in the level of total harvest and many First Nations have identified concerns over increasing hunting numbers in their traditional areas. We are also increasingly aware of the request to address issues of hunter congestion and... overharvest in areas where access is increasing.”

If you continue on through the proposal, the information that you get in this proposal 1 for you to get your decision — so you are the one who is helping with better moose populations — there are the 2016 science-based guidelines for management of moose in the Yukon, and they outline the principles required to effectively manage moose over the long term, and it is laid out in chapter 16 of the *Umbrella Final Agreement*. But there is not a lot of data in there. The only data that you see on this regulation change proposal is the 2018 harvest pattern reports

outlining increasing trends in moose harvest in recent years and human population in general in the Yukon. Other harvest trends include increasing resident moose seal purchases, but a slow decline in licensed harvests and resident success. So, we are bringing this proposal forward because we have data from 1995 to 2014, and it’s just on harvest numbers by licensed hunters.

In here, it says that they are “... engaging with First Nation governments through staff on a technical level and across the territory through the Yukon Forum.” So, you are engaging with them, which is wonderful. But we are not privy to those, and the people who are filling in the survey aren’t privy to finding out exactly the concerns the First Nations have, how we can help — there is no harvest data. They haven’t surveyed a lot of these areas. They haven’t been surveyed in a long time. So, how can I or even the Premier make a sound decision if he doesn’t have all the right information? If he doesn’t know that, over the past 20 years — you know, we survey every five years. If you look at the department’s budget — I could see that if they had gone out and done a survey and saw a decline in moose populations — the Premier probably can’t provide this on the floor of the House today, but I would like to see basically the past 20 years of surveys on moose in the Yukon and when they were done.

Quite often, we will have the department come and tell us that we need to change something and survey it, but we always ask, “What is your solution?” Nowhere in here is there a solution that discusses if there is enough food for the moose to eat — habitat. What about the predators? This is just one tool.

In here — quite a bit throughout this document — it goes on to say “tools in the toolbox”. But tools in the toolbox are only and always limiting hunting opportunities — no other tools where we will do habitat enhancement or ungulate enhancement. So, I guess, can the Premier commit to maybe putting a hold on some of this while we get some information?

There will be public meetings. There are public meetings in Dawson. When the public meetings come here, many Yukoners want to go and they’re going to ask for that. They’re going to say, “Where is the data to back this up? Where are your surveys?” I understand that you have all the licensed harvest and resident success harvesting moose from 1995 to 2014, but that’s all we have to go on. Is the population lower in the Mayo or Haines Junction area?

I’m just wondering what the Premier’s thoughts are on that — if he could make a decision. Could you make a really good decision as a hunter with the information that you’re getting right now?

Hon. Mr. Silver: This is exactly what we’re doing. We’re trying our best to make sure that, through consultation with fish and wildlife management boards or RRCs or stakeholder groups — that these individual groups and organizations and First Nations with traditional knowledge will all guide what we are doing. That’s what we’re emphasizing. We’re trying to get new management tools because it’s critical in everything that we do to make sure that we blend together the scientific data with traditional knowledge as well. I think that the department is doing an excellent job of that.

Mr. Chair, the member opposite knows that decisions are being made with partners, and this includes discussions on data analysis. This includes gathering information from all the hunters, as he says, and includes online surveying. But again, online surveying is one tool. There is much more going on here than the member opposite is making it seem. These questions — we don't believe that they're vague. We believe that they're well-thought-out from the department. But we will give his feedback to the people who drafted those questions.

We work really hard on the data and the data management with our partners and we're doing all that in good faith. It's extremely important. As the member opposite knows, when we're speaking about game management zones, we are talking about pressure areas. That's exactly what we're talking about. That's how we identify where these particular areas have more pressures — whether that be the food that is provided for those animals or the pressures from hunting. Data is required, and that's exactly what the department is doing. They are working on that and they are — I believe, more so than ever — being able to work through the Yukon Forum to continue with a traditional knowledge background as well.

Analysis and historical data were shared with the RRCs this weekend, for example, so there is information-sharing going on. I do believe that the community is getting the best possible information. Can it get better? It can always get better with more engagement and with more conversations.

We have to move to ensure that we take measures now. The member opposite wants us to pause on this — no. I think we are talking about some protected pressure areas that need leadership and need decisions to be made about them. That data is obtained through our permit hunt. It is incorporated into this data, and it helps us and our First Nation partners and hunters to have the best data possible. We are going to continue to move forward on the engagement process. We are going to continue to move forward on engaging with the boards and committees and the RRC to make sure that we have the best possible information that we can have for Yukoners.

Mr. Istchenko: I thank the Premier for that. It says in here: "Information to support this change? (includes scientific, local, traditional knowledge)". That is key, and you get that at the local community level. It says in the document — and it's only three lines that we have to pretty much gather, read, and figure out how we're going to comment on it — in one of the paragraphs that: "Yukon government has been engaging with First Nations governments through staff on a technical level and across the territory through the Yukon Forum. State of current moose inventory work and harvest opportunities for both First Nations and licensed hunters are concerns frequently brought up to department and staff." We all hear it. "Yukon Forum is a joint working arrangement with Yukon First Nations governments in recognition that greater level of stewardship of the land also requires a full suite of information for decision meeting." But there is no information. There is no full suite of information.

I am just wondering: Is there is a document somewhere with this information that people can look at? Is there a document that is being provided at, for example, the meeting in

Dawson City? Was there a document provided with some information in it? It says that it "... requires a full suite of information for decision meeting." I totally agree — we need a full suite of information to make these decisions. So, I am just wondering if there is a document somewhere.

Hon. Mr. Silver: As the member opposite knows, with the Yukon Forum, those conversations are in camera, but at the same time, as we work with the working groups — the more than 16 working groups that are happening right now — and JSEC as well and the conversations happening there through the agenda — information does come out of those meetings, but we are not at the place right now where — if it hasn't been announced already from the fruits of the labours of the Yukon Forum, we're not at a place to share in those conversations, because that is two forms of government coming together and sharing that agenda and having fantastic conversations.

I would just say that having the Yukon Forum actually sit four times a year as opposed to it not sitting is generating an awful lot of conversation. It's generating a lot of goodwill, and it also allows us to work better, as government, to make sure that data is provided in this process. We're always taking into consideration our best way of taking historical data analysis, but also taking the current input, and as information becomes readily available, we share that. We don't hide it; we try our best to share that as quickly as we possibly can. But we have to make sure that we're working in partnership with the First Nation governments on those announcements and on sharing those documents.

Chapter 16 or chapter 11 or chapter 13 — these are where critical decisions are being made. Even the heritage act — chapter 16 as well — we want to make sure that these conversations are succinct, and we're doing it with partnerships. This current process — as we talk about harvest data and reporting, for example — I think that we're doing a lot of good work. This is all about a sustainable management system of our fish and our wildlife populations. I know that this is extremely important to the member opposite. It requires the information from a number of sources, and that includes everything from harvest data itself or, as he has mentioned, the Yukon Forum. There is also science-based knowledge; there are on-the-land observations; there is the First Nation perspective; there's traditional knowledge. There's a plethora of different inputs in which we are continuing dialogue.

Last December, we did release the *Licensed Harvest Trends in Yukon* report, and this report presents 35 years of licensed harvest data. There is lots of data out there. I can understand that the member opposite wants to know what's going on in the Yukon Forum conversations, but the fruits of those labours come out in different areas all the time when both levels of government are ready to use that information.

Harvest data from that 35 years, on six big game species in the Yukon — that's available on yukon.ca. That report helps us with seeing not only the data, but the trends in data over time — for example, the number of licensed hunters — those increases from 2007 to 2014 — and moose continuing to be the most popular species of harvest — this information we get from that particular reporting mechanism about mandatory hunting

reports submitted by licensed residents and also non-resident hunters as well as other surveys other than the one that the member opposite is referencing as well.

Again, we will continue to engage on a multitude of sources to make sure that we have the most accurate harvest data. But again, it is important to note that accurate harvest data is only one piece of that puzzle. We also rely on data from wildlife population inventories and information provided in collaboration with First Nations and other management partners — and that is what the conversations were continuing on about in Dawson. I will check in with the minister and her team to see what the next steps are from those meetings in Dawson. But again, sharing harvest data is one of the issues that continues. Those conversations are going to continue and information will come out as it is available.

Mr. Istchenko: So, the Premier just said that the Yukon Forum is two governments coming together to share ideas. Interesting — because sometimes there seems to be some non-government MLAs in the House who get to sit in on those.

But, anyway, staying with what the Premier just said — I agree 100 percent with what he just said. He talked about inventories, but again, here we go — it says, “Information to support this change? (includes scientific...)” Harvest data is just one piece, one tool in a toolbox, one piece, but if you don’t have any of the other from the regional biologists and surveys and numbers of actual animals — how many are we allotted per population? There is a percentage that is set out in the *Umbrella Final Agreement*. But if you have half of the information, it is pretty hard to make a decision. That is what I am getting at. The Premier, I think, alluded to that when he said, you know, we are going to get some more information when it comes to inventories and numbers. But that needs to be there up front so that people can see that.

I am going to move on to moose regulation proposal 2. One of the things that was brought to my attention and highlighted is: Why is the change proposed? It says here, “The 2013 South Canol moose survey identified licensed harvest alone appears to be at sustainable harvest level for this Moose Management Unit. Accounting for First Nations harvest within this MMU... suggests...” — the key word being “suggests” — “... the likelihood of harvest rates well above sustainable levels could place population in this unit at high risk of decline.”

So, again, it says, “As area has been surveyed once...” — when was it surveyed? — “... there is uncertainty in total harvest and no current information on population trend.”

How can we make a decision? The department is telling us that they don’t have any information — but make a decision. That doesn’t even make sense.

Can the Premier maybe give me some thoughts on that? You get a suggestion and could place a population in a high risk of decline, but it says here it was only surveyed once, and the total harvest — there’s not current information on population trends. How can I make a decision? Or how can you make a decision on this?

Hon. Mr. Silver: The member opposite — being a former minister of this department, I’m sure he shared the same frustrations at the time, because it’s not like we lost any

information. We would have had all the information he had at his disposal at that time, and now we’re trying our best to make sure that we continue down that path and provide more information, not less.

Mr. Istchenko: I actually believe that, if the department was going to bring some of these proposals — and they come from the department — and bring them forward, they would provide some acceptable data for people to look at — I’m just going to leave it at that.

The Premier did talk about First Nation harvest levels, estimates, and whatnot. Can he give me an update on — I guess it would be through the Yukon Forum — how that is going? When they do these processes, are they committed to give their harvest numbers so we can, like I said, get all the data — all the tools in the toolbox? How’s that work coming?

Hon. Mr. Silver: Out of respect for the First Nation governments who share the agenda of the Yukon Forum, I’m not going to talk about the agenda there. What I can talk about is that it’s a long process of repairing damaged relations, and in doing so — when we start talking about traditional knowledge, you can’t talk about a more sacred topic with First Nation governments than traditional knowledge. We must respect those governments to make sure that, as we have this conversation — which is to the benefit of all Yukoners — if our scientific knowledge includes the fact that traditional knowledge is scientific knowledge, and we need to do better to make sure that we’re engaging with our First Nation communities and governments — it’s the conversation of how we use that data, which is sacred, that is really a hard conversation. We have to respect the fact that we’re going to continue down the road of engaging.

I have had this conversation with leadership a few times. We have a good relationship with our First Nation partners, and they are very much part of our sustainable plan moving forward. But I’m going to respect those governments and the sanctity of those conversations at the Yukon Forum, which I honestly believe are healing damage. They are moving us forward on reconciliation.

I can see that the member opposite wants to hear more about those conversations, but with all due respect, I am going to continue to flow that information as it becomes readily available by both governments.

Mr. Istchenko: I thank the Premier for that. I appreciate his comments.

I am going to move forward to proposal 3 — and I’m just going to get back to numbers again here because this is frustrating.

Proposal 3 is “Moose regulation proposal — Sustainable Harvest Management of Moose in the Sifton-Miners Range Moose Management Unit”. It says, “Information to support this change? (includes scientific, local, traditional knowledge)”. It says in here, “We conducted a late-winter survey of moose in the Sifton-Miners Range... in February 2011. The main purposes of this survey were to estimate the abundance, distribution, and age and sex composition...” — so they were doing a pretty in-depth survey. It says, “We attempted to count all moose in survey blocks covering approximately 31% of the

area. We saw a total of...” — I don’t need to put the numbers of moose, but this is what they saw. Then it goes on to talk about population estimates. Then it says, “Long term survey results suggest that moose numbers in the area declined between 1982 and 1993...” — and they have those results, which is good.

But if you read through the rest of it, it says, “... reported licensed harvest in the Sifton...” — in the range — “... is well above the 10% harvest guideline of 13.2 moose...” — for so many bulls in that area, and it doesn’t include the harvest by First Nations. But 2011 was the last time that they surveyed — and here we go again. That was eight years ago. Here we go again. Is that sufficient information for me to make a decision? Does the Premier believe that this is enough information for us to make a sound decision on this regulation change proposal?

Hon. Mr. Silver: I believe that the department, working with First Nations and other stakeholder partners, has done a great job of providing more information. In doing so, I think that those pursuits are producing fruit and actually helping us to sustain these populations into the future.

We keep on going back to: Is there enough information, or are the First Nations sharing enough data? To be quite frank, Mr. Chair, some First Nations do provide it, and some do not, and they do not intend to in the future. I don’t know what the member opposite wants us to say about that, but I need to respect that others provide it in good faith and they do it for collaboration.

It’s a complex issue, and the member opposite might be saying, “Is this enough information? Should we push the First Nation governments to provide more information?” This is going to remain a significant challenge in wildlife management. It was an issue when he was in government. It’s an issue where we’re trying to do our best to be respectful in our dialogue. I believe that we are doing a significantly good job in making sure that we have the most information that we could possibly share and, at the same time, engaging with all of our partners to make sure that we can do our best to manage these extremely important populations.

Mr. Istchenko: I thank the Premier for that.

I’m going to move on to proposal 4, and one of the things it says in there under “What is the proposal?” is — and this is in the moose management unit in the Mayo area — “Change opening date of moose hunting season in the Mayo... from August 1st to September 1st to avoid an early-season rush of hunters harvesting moose at a time of year that is becoming increasingly warmer and therefore having a higher risk of meat spoilage.”

So, I’ve been an avid outdoorsman — and just about everybody I grew up with and many people are. The way I read this is that there is an issue in the Yukon with meat spoilage. If it is warm out in August, we don’t go hunting. We watch the weather, because you have to deal with the meat. Most Yukon hunters are very ethical, and they do care. We harvest because it feeds our families, and we like the 100-mile diet or to be able to eat food that we have harvested traditionally from our garden.

So, I’m just wondering if there is an issue with meat spoilage. Is there some documentation? Have there been a lot of charges lately under the *Wildlife Act* for meat spoilage in the Mayo area?

Hon. Mr. Silver: I think these comments are more based on the fact that there is a changing climate, as the member opposite mentioned. I don’t know of any increases in meat spoilage specifically in Mayo, but I can look into it and get back to the member opposite.

Mr. Istchenko: Just adding on to that, there is always going to be a bad apple out there in every group or anything. I think I remember six or seven years ago hearing about somebody getting charged because they didn’t take care of their meat. Good on them — you have to take care of your meat. It’s really important. That’s not how we’re supposed to treat our animals.

I want to move on but stay with this harvest management in Mayo. This proposal 4 says, “2017 survey of moose in Mayo ... indicated a declining trend in moose abundance during previous 11 years — 2017 population estimate in Mayo... survey area was about 2/3 of the 2006 estimate. Numbers of both bulls and cows declined during this period. Estimated number of bulls compared to number of cows has been...” less.

It says, “Local knowledge interviews ...” — and it’s great that we have the traditional knowledge. There’s a lot of good stuff in there, but in the other proposals, they actually have graphs that show a little bit in numbers, but for this proposal, they just have a map of the area that we’re talking about. I’m just wondering if the Premier could provide for me a copy of the 2017 survey and the 2006 survey or a link to where I can find those surveys so that I can share it with concerned residents and Yukoners who want to know where they can read up on this so that they can actually — so we do have some data. It’s from 2017, which is very recent, and that’s good. That is why this proposal is coming forward. This one kind of makes sense because we have some data, but can we get the data? Can we actually look at the survey?

They put a few high-level numbers in here on one page, but it’s pretty hard for a hunter who actually goes out on the land and maybe hunts in that area to see: “Okay, that could have been me” or “Yes, that makes sense” or whatever if you can’t actually see the survey. I am wondering if he can commit to the House to provide the 2017 survey and the 2006 survey — or if not, just the link to where we can find it. I am having a heck of a time with the new website. Sometimes pages are “404 — error” when I was trying earlier today.

Hon. Mr. Silver: I don’t have that information here in general debate of the supplementary budget, but we will look into that. You know, with the data that we provided — the member opposite already commented on this. You are not going to get consensus among hunters about the current status of moose populations — you’re not. We will do our best to make sure that we provide as much data as we possibly can, as we are all concerned about future harvesting opportunities. We will make sure that we get the most updated information, but there is always going to be push back from licensed hunters

wanting more evidence about the current situation. We hear that. The department is aware of that as well, but again, it will be hard to get consensus.

I know from the people who I have hunted with or people from Dawson or even people from Whitehorse coming up to different areas — even their anecdotal information is different from year to year. Some people will say that there are huge pressures in Hunker, and some will say that they don't see that at all.

Again, for a government to be able to provide as accurate information as possible, working with First Nation governments, that's our plan — to make sure that we can continue to provide great information and work with people who have been living on the land for thousands of years. Knowing traditional routes is so extremely important, as well, when we consider this data and these numbers.

Mr. Istchenko: The reason that I bring this up is because, when they go out and survey an area — like I read into the record a little bit about the previous area that they surveyed — that 31 percent was surveyed. Hunters who go in this area and want to comment on this area, if they don't know where they surveyed, that's a pretty big area. If you can look — so they surveyed the area where I go, and there's a decrease in moose populations, and they look at what time of the year they surveyed — because moose move, and all animals move. That's the reason why I'm asking for this — so people can look at it. A good example — and I have never been in the Mayo area, but guys who ask me about the Mayo area said, "Well, did they survey the area that most people travel and hunt in? Was it surveyed when the moose aren't there and the moose move to the high ground after the rut or whatever?" People just want to have that information so they can make a better decision.

Hon. Mr. Silver: Here in general debate on the supplementary budget, I don't have those background materials in front of me, but the member opposite knows, the Department of Environment knows, and the public servants therein know — there's lots of expertise. I'm definitely not necessarily assuming — I can bet dollars to donuts that they're not going to do a sample size of an area that doesn't make sense — for example, doing it in or outside of the rut, if those things are going to determine those numbers. Specific to sample sizes, 31 percent is a very substantial amount of space when you are talking mathematically about sample sizes.

I'm confident that the people who are developing these surveys, dealing with the data, and working on the land have the expertise and knowledge and knowhow to make sure that their numbers are statistically relevant.

Mr. Istchenko: Can the Premier commit to providing, at a later date, where we can find the surveys? I think that's what I had asked in my first question. There were two surveys. I tried to find them on the website — the new website and the old website — and I don't know where I can find them. Can the Premier provide a link or something to me or the Legislative Assembly?

Hon. Mr. Silver: I did already answer and I said that we will look into that to see if we can get that information for the member opposite. Sorry.

Mr. Istchenko: I am sorry if I missed that. Thanks to the Premier for that.

Proposal No. 5, then, moving on, is "Caribou regulation proposal — Enable sustainable management of the Hart River... area. There is a lot of stuff — threshold hunt, permit hunt, and different stuff. But one of the things that popped out to me right away was that the majority of that area — of the Hart River caribou — is in the Peel watershed. I am just wondering how the Peel watershed implementation of the plan is going to affect this proposal.

Hon. Mr. Silver: Again, as a government modernizes and changes policies — all of those things, I could anecdotally comment on what we think may happen, but what we know is going to be affected by land use planning is more certainty — certainty in the land use, certainty on who is where — but, again, I think it will be a positive effect on these surveys.

Mr. Istchenko: Can the Premier basically — how do I want to word this? I wonder if the Premier can elaborate a little bit. Can he commit to Yukoners who are filling out this survey — who are going to make recommendations on the regulations proposed for that — that, when the Peel watershed plan is implemented, it doesn't trump the changes to the regulations and hunting opportunities?

Hon. Mr. Silver: Maybe I will get the member opposite to elaborate. This is an engagement process here, whereas the Peel watershed land use plan is based upon the *Umbrella Final Agreement*.

What situation, exactly, is he talking about — with about one trumping another — a survey of recommendations compared to a land use planning process? If he could be more specific about what is his — maybe not necessarily — "fear", but what particular mechanism or part of the *Umbrella Final Agreement* — or specifically the Peel watershed land use plan — is he talking about or is he concerned about?

Mr. Istchenko: I guess what I was just getting at was, when the Peel watershed plan goes through to implementation, there will be changes to how everyone operates in the Peel watershed now.

I'm just wondering if any of those changes will affect this proposal, which is a hunting opportunity of the Hart River caribou. That's all that it is getting at. I know that the Premier probably doesn't have both plans in front of him, and we can't go like this — but that is just something that was brought to my attention and that I thought about. We can comment on this proposal, but then there could be an area that is just totally closed after the implementation of the watershed plan. It was almost like a highlight that there could be an issue.

Hon. Mr. Silver: As the member opposite knows, with protecting areas inside the Peel — on the one hand, what you will have is what I believe would be more of an opportunity for a flourishing of our species that are at risk, for one. Second, we are now in the process of implementing the Peel plan, and as we do, that engagement — if there are issues that come up or concerns that are specific to the hunting community that the member opposite knows of, then he can provide them for us. I know that the department is going to continue to engage with the RRCs and the fish and wildlife boards to address and

mitigate any issues that come up with new policies through the *Umbrella Final Agreement*.

Mr. Istchenko: I thank the Premier for that.

Proposal 6 is the caribou regulation proposal also. It's the "... Nelchina Caribou Herd Adaptive Harvest Management" — and that is up in my area. Understandably so, the caribou haven't been there for a while, but this is if they do — it says, "Would enable a season when Nelchina caribou are present..." When the caribou are there, then there would be a season — but it says again in here that you would either be able to hunt them by "... threshold hunt, open (with season manipulation) or by permit hunt allocation..." Are we then asking those people who are commenting on this — whether it is by SurveyMonkey or at a public meeting — which one they would prefer?

Hon. Mr. Silver: I don't think it's a matter of which one they're picking. The board is the one that's doing the consultation here. I think the question is pretty straightforward as to what the engagement process is looking for.

Mr. Istchenko: For the Premier, it says it's going to "enable the season", and it says basically "... either by threshold hunt, open (with season manipulation)..." — which is probably dates; I don't know what it is. I'm trying to figure out what each one means — "... or by permit hunt..." So, throughout this whole process here and throughout this document, there is no information on — and most resident hunters understand the permit hunt allocation and how it works. It has been a hot topic over the last few years — but threshold hunt, not so much — and "open" but "with season manipulation" — what does that mean?

This is my point — we want to be able to make a sound decision and make a comment on this, but if you don't understand what a "threshold hunt" is, or what "season manipulation" is, how can you make that decision? There should be some more information on what the three of these actually mean so we can comment wholeheartedly on, you know, "I have an issue with the threshold hunt. I have always been a big fan of the permit hunt, so go with the permit hunt." But if you're not really understanding the threshold hunt — it goes on in the document with why the change is proposed. It talks a lot about how the herd is growing, and it goes back between two borders. It talks about the First Nation and community input and lots of other stuff, but it doesn't have just basically a threshold hunt — and you can probably look up "threshold hunt" or look up the word "manipulation" or "season manipulation" to see what that means, but it would be better if there was more information in there to make a sound decision.

I'm just wondering what the Premier's thoughts are on that.

Hon. Mr. Silver: Right on yukon.ca — you know, I mean, a simple search gives all that information for the member opposite. Anybody who is doing an online survey can — obviously, they can use either the yukon.ca portal or Google or others, but all those definitions — if you're going to be doing the survey, then you have the tools right in front of you to be able to figure that out.

Again, this is the board's process. Asking about some different tools for management of moose in different zones

instead of having — anyway, specific questions here — you know, we can provide this feedback to the board that the member opposite is giving us.

It's great feedback, but the board itself is the one that is going through this process. That's why I don't have the answers to the member opposite's questions as to specifically how these things are determined, but when it comes to knowing what a threshold hunt is — I did a quick search, and I can send the link for that search to the member opposite, but this is readily available information.

Mr. Istchenko: So, I think that to make a decision on whether — and I do understand that you can find that on the Internet and find out basically what a threshold hunt is.

The "open (with season manipulation)" — I'm not sure what that means, because it doesn't say. You can't find that on the Internet. "Permit hunt" — you can find that and how that works.

But in that area, there is one road. It's the Alaska Highway and it goes up there. Before when you used to be able to hunt, it was usually by snowmobiles in the winter, so it's going to make a big difference. If we knew the time of year that they are talking about — because, basically, it's pretty much a swamp and mountain permafrost through there, so a summer hunt is going to be virtually impossible. Most of the time — like they do with some of the other caribou herds that we're seeing today and where there is a hunting opportunity — people go up later in the season or go in the wintertime. So, that's just why I'm saying that if there was a little bit more explanation on the actual time that they would look at opening a herd, a guy could make some easier and better comments. I'll just leave that at that.

I'm going to move now to proposal 7, which is "Carnivore Regulation Proposal" — "Enable adaptive management of roadside hunting for Grizzly Bear". One of the things that it says in here is: "Why is the change proposed?" It says, "Regulation changes are required to create the mechanism by which harvest along the roadside could be limited where proposed and supported at the community level."

Can the Premier explain to me what it means to be supported at a community level? Who does this include? Which parts of the community does this include — to be supported at a community level?

Hon. Mr. Silver: Again, that would mean all members of the communities. I don't think that there is a part that wouldn't want to be a part of that process. I guess I'm not really understanding the member opposite's question.

Mr. Istchenko: What I'm getting at is support at the community level — supported by the First Nations, by the renewable resources councils, and by the community members through public engagement. One of the things that it says in here is, "Information to support this change? (includes..." — like it says in all the proposals — "... scientific, local, traditional knowledge)". It says in here, "... we proposed changes to enable currently open roadside harvest to be closed following demonstrated support for doing so at the community level." I'm looking for that data, basically, to move from having open roadside hunting to closed. Will that information be —

because there's nothing more in the proposal. I haven't had a chance to go to any of the public meetings because one was just held in Dawson and now they're starting. Will that information be there for the public to see so they can make a sound decision and comment on it?

Hon. Mr. Silver: Again, all that information would be provided by the local renewable resources councils that will be at those meetings.

Mr. Istchenko: I thank the Premier for that.

When it comes to grizzly bears, grizzly bears in Canada have been documented. Scientific studies and reports, including status reports for species, are part of SARA and COSEWIC listing processes that are generally available on websites. You can find a lot of information on grizzly bears.

In the proposal, it says that it doesn't need to be elaborated on here.

My question, I guess, for the Premier would be: What data do we have? What numbers do we have? When is the last time that grizzly bears in the Yukon were surveyed, or have they been surveyed? Has there been a comprehensive survey of grizzly bears in the Yukon? I know that Parks Canada did a survey — started a survey — and it went 11 years, but I don't think it was finished in my riding. I'm just curious if the Department of Environment — for the Premier, they have surveyed what many Yukoners believe — but have they actually surveyed the grizzly bears to get some data so people can make sound decisions?

Hon. Mr. Silver: In partnership with the Yukon Fish and Wildlife Management Board, there was a 60-day public engagement period that was held last year on a draft grizzly bear conservation plan. I think that a lot of the data that the member opposite is looking for would come from the fruits of that labour. In January 2019, the board recommended the draft plan to the Government of Yukon, and we recently finished the consultation with First Nations, the Inuvialuit, and transboundary aboriginal groups on this draft, and we're now in that process of finalizing the grizzly bear conservation plan.

Mr. Istchenko: Thank you, Mr. Deputy Chair. I almost didn't recognize you — things have changed — way younger.

What I was asking for was when was the last time that the Department of Environment surveyed grizzly bear populations in the Yukon.

Hon. Mr. Silver: I don't have the dates as to when the last time was, but the numbers right now are that Yukon is home to an estimated 60,000 to 70,000 grizzly bears.

Mr. Istchenko: What are those estimates based on?

Hon. Mr. Silver: Not to be flippant, but they are based on data. The current processes are the same as when the member opposite was the Minister of Environment. It will be very similar processes to the department's endeavours at that time. We use our best guidelines and input from all stakeholders to get these numbers.

Again, back to the reasons for us having that conservation plan: it is for us to be able to look at these numbers and at the polarizing conversations about hunting and to make sure that we have a sustainable hunt that supports the plan. We use data, we use support from indigenous communities, we use anecdotal

information and also our councils and our boards that spend an awful lot of time collecting this type of information. So, it is very similar to when the member opposite was the minister.

Mr. Istchenko: I will move on to proposal 11 and, I believe, it is proposal 12. Proposal 11 is "Habitat Protection Area — Off-Road Vehicle restriction" and proposal 12 is "Surface Disturbance Thresholds in Critical Habitat for Species at Risk in Habitat Protection Areas". We know that they are established through chapter 10 of the *Umbrella Final Agreement*, and there are some awesome areas that they have picked. My question, I guess, would be: If you are going to deal with off-road vehicle restrictions or surface restrictions, are these off-road vehicle restrictions going to basically mimic some of the new off-road vehicle legislation, or will it be something completely different for the rest of the Yukon?

Hon. Mr. Silver: Again, you know, you have this survey that the member opposite is quoting from, being from the board, and again, a process with off-road vehicles being a government initiative from another separate department as well — we are going to allow the consultation stage of that particular initiative to guide and to determine those restrictions, regulations, et cetera.

Mr. Istchenko: I thank the Premier for that.

I just want to talk a little bit about traplines. Can the Premier give me an update on work being done on trapline compensation?

Hon. Mr. Silver: I don't have anything new to inform the member opposite about that isn't already currently available on the website. I can understand the member opposite's interest. There have been a lot of topical news broadcasts — international broadcasts — about the pressures on the industry.

Again, we support the industry. But I don't have anything new. If there is anything specific that the member opposite is looking for, then maybe he can ask me in a supplementary.

Mr. Istchenko: Nothing really new to report. I am just wondering — like I said, again, because we are not really privy to the conversations at the Yukon Forum. I know that trapline compensation, from a lot of trappers in my area — with the forest industry and with the growing population — lots coming out and stuff like that — it was always a concern; it was always a topic of conversation with previous governments. I am just wondering if that is a topic of conversation, I guess, as one of the priorities with the First Nations and government-to-government relations?

Hon. Mr. Silver: Again, as the member opposite mentioned, from his time to now, in the department, traplines are being managed through local RRCs and First Nations as well — nothing new to report necessarily at this time — but again, no different from when he was in this role.

Mr. Istchenko: There are some administrative changes, and there are a lot of good administrative changes. They are making it easier for trappers. I am an active trapper. Back when I was the minister, I placed third in the trappers competition in Dawson City on setting traps up. A good friend, Ryan Sealy, was about 18 seconds ahead of me.

I have a question about when it comes to generic seals, online registration of seals, and e-licensing. Like I said earlier

— and I think the Premier and I talked about how great online services are — and I think there is a bit of an issue with hunters not being able to do their hunting reports online, like I said before. Can he just confirm — in “Proposed Process for Purchasing Seals”, it says, “Hunters may renew or update hunting license by registering seals on their Environment ID account, pay appropriate seal fee + complete required administrative process determined by Minister to validate seal, and hunting license...” through that. Will the trapper then be able to basically just do the majority of the stuff online, or will he still have to go in and take all of those seals to the CO’s office and have them written out and inspected, or is this to get away from that and to actually have it more online?

Hon. Mr. Silver: I am going to have to get back to the member opposite about that information as far as the intent from the new modernization of the policy.

Mr. Istchenko: E-services started with the previous government, and a lot of it started when I was Minister of Environment. That is such positive — it’s time to get with the program in the 20th century. When it comes to that, you would think that your average trapper — if you have a look at some of them — wasn’t too tech savvy, but they actually are pretty tech savvy. They can do stuff like that, so I think that’s a good thing.

I think that one of my last questions — and then I will turn it over to my fellow colleague to ask some questions as we move on here — is about the “... hunter education requirement for trapping concession holders...” I think this is a key thing. It says in the proposal here, “Environment Yukon is proposing the removal of requirement for Yukon hunting license eligibility for trapping concession applicants in subsection...” — blah, blah — “... of the Trapping Regulation.” For Hansard, subsection 6(1)(d) — because I know that Hansard likes things to be — they will just come back and ask me, and I’ll be like, “I don’t know what ‘blah, blah’ is of the trapping regulations.”

“Appropriate hunter education training is an eligibility requirement for big game hunting license holders” — which we get. “Applicants such as First Nations beneficiaries who aren’t subject to licensing should not be prevented from obtaining a Yukon trapping...” licence.

My question is: Will this also apply to just all our youth, basically, who want to go trapping? They don’t have to get a Yukon hunting licence requirement to go get a licence, or would youth just be able to go and trap under an assistant — because it’s a little vague in here. It might be hard — the Premier might have to get back to me too, but it’s something that we have heard a lot — I’ve heard a lot over the years — that if we’re doing administrative changes, it would be nice if youth — because I spend a lot of time with youth, and we’re out on a trapline. Unless they have the actual trappers course — like a hunting licence — they’re not allowed to partake in anything to do with trapping, so how do we — it’s just something that needs to be updated.

I’m hoping that this administrative change is the one that’s going to fix it, because then we can go out with our youth, our Junior Rangers who we do a lot with and they can actually touch the snares and traps — because right now, they can’t; they can just watch. You can’t rebuild an engine if you’ve never

had a 9/16 wrench in your hand and done some of that stuff. I’m just wondering if the Premier can comment on that or get back to me with information.

Hon. Mr. Silver: Whether it’s our intent, as a government, to move toward online and streamlining those processes or other recommendations from the member opposite on youth and permitting — all good recommendations. I don’t have a definitive answer for him right now, although I will comment that, sometimes, I do — as far as his “blah, blah, blah” comment, sometimes I search the Blues just to make sure that Hansard doesn’t write that where I’m speaking — or “yada, yada, yada”, for example.

I don’t have that information for the member opposite right here. But again, all of this is to say that the board and the engagement that they’re working on right now — and also the departments — they are trying to modernize as best as they possibly can.

Mr. Istchenko: My final comments here are that I do really appreciate the hard work that’s done in those departments for modernizing when it comes to e-services — and with the new website, it’s challenging, but those people who are working to try to make it work should be commended.

Just a final comment — and maybe the Premier can add to it. I started doing the surveys on SurveyMonkey. The Premier has probably heard — and just about every MLA has heard — about issues with the surveys and how there is maybe not enough information on there or maybe there are jaded questions. So, for the Premier and his caucus, are they taking some of these concerns that we would bring up in the House during Question Period — and/or just constituents in every riding writing in complaining about how the survey process is done — are they actually taking that and looking at changing how they do surveys to adapt, I guess, from constructive criticism?

On that, I would like to thank the staff who are here today and everyone else mentioned in the Premier’s first comments.

Hon. Mr. Silver: In general, I would say that our government prioritizes connecting and engaging with Yukoners so that those policies and legislative decisions that we make represent their views. That is fundamental to this government. We believe that Yukoners provide valuable insight and that the time that we take to gather their input leads us to better overall outcomes.

I am very proud of the work done through the Executive Council Office and the whole-of-government approach when it comes to our commitment to better and more meaningful public engagement, because Yukoners deserve to be heard on the issues that matter to them.

I believe that our engagement process does well. I don’t think that it’s flawed. I believe that we are doing much more engagement than ever before. Since 2017, citizens have participated in, I believe, 69 public engagements from the Yukon government. Recently, we completed a public engagement on the Yukon parks strategy, on the *Whitehorse and Southern Lakes Forest Resources Management Plan*, and we have our climate strategy out there.

Again, there are all of these opportunities to ensure that Yukoners have their way to be engaged in those surveys. This particular survey that the member opposite is talking about is being conducted by the board itself, which is different from our engagement process, but we believe that the government and the boards — when we get out and engage, we are using the best tools that we have at our disposal and will continue to engage with Yukoners.

Mr. Cathers: I am pleased to rise today and take off where my colleague left off. I would just note that, again, the Premier repeatedly dismisses the concerns that my colleague, the Member for Kluane, brought to his attention, that I have raised, and that others of our caucus have raised. Surely, the government is hearing the same concerns that we are from Yukoners about the format of the surveys, which we hear regularly.

People are concerned that the questions are biased. There is often not a lot of detail in terms of what government is actually considering, and people have also criticized that it is effectively like a referendum where you can vote as many times as you like — that government is seeming to be making decisions in many cases on the basis of the percentage of support for a particular question, but we know — and the Premier has not been able to provide any credible argument against the fact — that, even if multiple responses from the same person are intended to be filtered out by IP address, since there is no request for someone to put their name down — and names previously, as the Premier will know, were protected by ATIPP. But since there is no attempt to determine if you are dealing with an individual person, it is completely possible for somebody who has multiple devices — as many people do, including every member of the Liberal Cabinet — to fill out that survey multiple times, and there is really no way of tracking those duplicate, triplicate, or perhaps even more — in the order of five times that someone could potentially comment without actually being able to track it.

The fact that the Premier doesn't seem to get that this is an issue is concerning. It is also something that I have heard from Yukoners who are concerned that, in a format where, if surveys are largely being used as the basis for a decision, it ignores the fact that people who are more directly affected by a particular policy change or question should potentially have their voices given a little more weight.

If someone who doesn't really understand an issue and is simply commenting because one of the questions is providing their off-the-cuff thoughts, that is certainly not as useful or, I would argue, important as someone whose life or livelihood is deeply and directly affected by a proposal and who may have thoughts and well-considered views on the matter that they wish to express. To move forward with a policy where effectively the people who are most affected by something are potentially sidelined and overwhelmed by people who are not as directly affected or as well-informed is just not a credible way to do public policy development. I would encourage the government to reconsider their approach. I'm sure that we'll hear another dismissal from the Premier.

I'm going to move on to another area. That is in terms of — earlier today, I brought forward an issue that a long-time Yukoner had asked us to raise at this Assembly after his letters to the Department of Energy, Mines and Resources about an issue that he identified and that he firmly believed — and it seems to us that he is correct — that government was not following the law as it pertained to his quartz claims.

Another issue that we've heard from placer miners and quartz miners as well as people dealing with land applications is that government is not always following the legally mandated timelines for issuing a decision document. As the Premier knows or should know, under the *Yukon Environmental and Socio-economic Assessment Act*, in many areas, there are very clear and legislated timelines for things including that government is limited in how long it has to issue a decision document of the decision body, and we're hearing multiple complaints from people that government is ignoring that legally mandated timeline and often issuing the decision document outside that process.

Can the Premier tell us just how many times within this government's mandate — broken down by year, so for the last calendar year — that government has failed to follow the legally mandated timelines for issuing a decision document under YESAB?

Does the Premier have any explanation of how he can justify that this is anything other than a case of government just choosing to ignore the law?

Hon. Mr. Silver: I will do my best to just avoid all of the rhetoric, personal attacks, and all that other stuff and just try to get to some questions of importance to Yukoners — if I can cede that away from all the rest of it.

The bottom line is that we are following timelines. They are only extended to allow for completion of meaningful Crown consultations as required under the law.

Mr. Cathers: Asking the government about whether it's following the law is not a personal attack. It is in fact our obligation as MLAs, when we are advised that the government has not been following the law, to bring up those changes.

The Premier said that when they are not following the legally mandated timelines under YESAB, it's because of Crown consultation being required with First Nations. We agree and acknowledge that there are obligations of the government at certain stages with regard to any development applications to consult with First Nations, but I would challenge the Premier to point to anywhere in the law — in the *Yukon Environmental and Socio-economic Assessment Act* — that allows the government to do what it has been doing. If the Premier thinks I am wrong, I would challenge him to tell us what clause of the act allows the government to do what it has been doing. It appears to us — and it certainly appears to industry — that government is simply choosing to ignore federally legislated timelines.

Hon. Mr. Silver: It's very interesting, coming from the member opposite — talking about ignoring when it comes to the mining industry. What we won't do is ignore the First Nation governments when it comes to the mining industry. The previous government got into a lot of trouble for doing that.

One only needs to look at Bill S-6 and the members opposite, with a five-year review of YESAA — which took five years, which was not necessarily the intention of a five-year review — but to unilaterally decide that they know best about four amendments and not, in good faith, having those conversations with First Nations, self-governing First Nations, and First Nations in general. To be lectured on the floor of the Legislative Assembly by the member opposite on policy when it comes to mining — under the last five years of the Yukon Party it didn't work out so very well for them. We saw a reduction in mining. So again, I don't necessarily think that Yukoners want us to take direction from the Yukon Party as far as how we engage with the mining industry or First Nation governments.

Again, we have modern treaties, and these treaties need to be upheld, and we're going to continue with that process of making sure that we engage with the First Nation communities and look at how we best approach regulatory process improvements.

I know from the conversations I have had this weekend that the industry understands. They understand the history that got us to the place where a lot of the Yukon is held up, where you can't do staking. The members opposite know exactly why that is. One only needs to look at the Ross River Dena Council court case, which got us to a place where the previous government made some decisions that they shouldn't have, and in that case, the law — the law system, the court system — told them that they were wrong.

My Minister of Energy, Mines and Resources had a huge task in front of him from the first year on. How do we get this industry back on track? How do we repair the damage of a government that thought that they knew best and that they could just go and unilaterally make decisions? We saw it with the Peel plan, as well — a government that, during an election campaign, decided that we can't talk about what our opinion is even though they had made their opinion up. After the election, all of a sudden, a new plan surfaces — with the Member for Lake Laberge's signature all over it. It's just so interesting to now be lectured on the floor of the Legislative Assembly by the member opposite about how we should move forward on improvements to the regulatory system.

On this side of the House, Mr. Deputy Chair, we recognize that a healthy and active mineral sector is a driving sector of our community and our economy. We're so proud to have the — I'll go ahead and say the "legendary" mining individuals and companies — junior companies and support to the majors as well from people who have decades and decades of opportunities and experience within the industry. Our government will continue to strive to ensure that mineral exploration and mining projects are permitted to proceed in a timely manner while ensuring high environmental standards and aligning with Yukon First Nations and Yukoners' interests.

The member opposite made it seem like today the minister was avoiding the question, but the member opposite was referencing concerns without actually telling us what those specific concerns were. He started talking about the law and breaking the law and yet didn't talk to us about the content of the letter that he was using as a prop.

As the Department of Energy, Mines and Resources continues to engage with the prospectors or different organizations and agencies, they have never shied away from dialogue. They have never shied away from times when there is a divergence of opinions in these particular initiatives. But I think most people out there know that we had a big task of turning around the engagement process — turning around and starting again on how we improve the regulatory system. The MLII process alone — my goodness, what a mess that was left in. So, I'm really proud of the department and the Department of Environment as well and the minister therein.

To have the minister from Vuntut Gwitchin — from Old Crow — at the table when she has spent decades of time working with First Nation governments — what a benefit to the industry to have an opportunity to really get down to the real questions and then to be able to, from there, build up support within the First Nation communities so that we can go back to the table and say — something like a 49.1 in concept, we agree, is a good concept. But we disagreed with how the previous government decided to just try to ram that through. So, something that really could have — if the approach was different in the past — been a policy that continued — what we're seeing is: How do we now repair that damage and start again and get to a place where those relationships are repaired? So, we do that all the time.

For example, the Government of Yukon and Yukon First Nations have established a collaborative process through the mining memorandum of understanding to explore and to advance improvements in all aspects of mineral exploration and development. This has been a lot of work; it has been a lot of conversations and meetings. When we talk to the industry and they talk about "How do we engage? We want to engage" — we see a lot of very progressive companies and individuals who really want to get in and agree that more conversations with First Nations are extremely important. I know that they are a bit frustrated that the conversations may seem slow, but they also understand what was up in front of us, and the reason why this process has been so slow is because we have to start from a place to build the respect back up and build those relationships up.

With the *Yukon Environmental and Socio-economic Assessment Act*, we have an oversight group therein as well. That continues to move forward on shared priorities. Industry has identified amendments and renewals of previously assessed projects and timelines for assessment and decision-making as top priorities, and we are listening to the industry.

The minister — I don't think he slept this weekend — was basically going from meeting to meeting engaging and making sure that he listened to the concerns of industry. There were lots of chiefs and councils. It was great to see their participation at the Geoscience Forum all weekend long, starting with the opening ceremony comments all the way through. I am sure that we will see some of those folks there tonight at the awards as well. It is really great to see more of a presence of First Nation governments at the Geoscience Forum, at Roundup, and at different industry opportunities.

When it comes to these oversight groups or the memorandum of understanding — this is real work. This is real work that, at the end of the day, we are moving toward these improvements. We have environmental stewardship at hand. We have the connections with the First Nation governments, which because of modern treaties, are at the table and should always have been at the table, and now they are.

In the interim, our government is exploring how to clarify the requirements for amendments and renewals for projects within current legislation, and we will be engaging with other regulators on a streamlined approach. That is extremely important to us here in the Liberal government.

I know that it wasn't as much of an issue in the past, but we really believe that these conversations need to build those foundations. Another area where we're seeing a lot of industry buy-in — and I saw it again just at the placer miners luncheon when I came in and gave some comments there, but just before me were the folks from the mineral development strategy — individuals with an excellent background and understanding of industry. I think this is another amazing initiative that is bringing Yukoners together over our mining industry, which is such a crucial industry for our communities.

We're working with Yukon First Nations within the final agreements to approve a recommendation from the mining memorandum of understanding main table to develop the Yukon-wide mineral development strategy. What I'm hearing from industry is that this is a good initiative.

As part of that process, our government and Yukon First Nations with final agreements have established an independent panel as directed through the mining memorandum of understanding appeal process. That panel was launched in September and is working to engage with First Nations, with industry organizations — like I just commented on, and their presence was seen all weekend at Geoscience and will continue, I imagine, as we go through the next few days — and with key stakeholders and interested Yukoners — their doors are open for all engagement — and also with the Yukon government regarding mineral development in the Yukon. These are the processes that we're going to engage in to continue down that road to make sure that we have a vibrant industry here in the Yukon.

That independent panel — and it's really important to point out that this is an independent panel — will provide a balanced and transparent process for the development of this strategy and ensure that it represents the views and the comments of all Yukoners.

The panel will provide independent advice for further review and consideration by the Government of Yukon and also Yukon First Nations. This may include advice on potential programs, policy, and legislative changes as well. It's really exciting work. We had an opportunity early in that process to engage and to meet with the individual members of the panel. I remember leaving that meeting and commenting on the breadth of knowledge from all of these members.

It is truly inspiring to see Yukoners on these types of strategies and panels really giving back with their knowledge, always with the aim of helping to provide jobs and strengthen

and diversify our economy. At the same time, it's about respecting environmental stewardship.

I remember having an early conversation with one of the members of the strategy about how government needs to involve First Nations more in these processes. We have the *Umbrella Final Agreement*, which is constitutionally protected by the federal government. I went off about my opinion, and I remember this particular individual said to me — and this was several years ago — it was probably in 2012 when I had this conversation when I was in opposition. That individual's comments after I was done were: "Are you finished? Well, it's good to know that government officials are starting to catch up to where industry already is, with an understanding that the stewards of the land are the First Nations governments whose traditional territories are being affected." It's good to see that this involvement is recognized and understood by so many individual junior companies that have spent so much time in the Yukon. It is no surprise as to why certain companies have stood the test of time, Mr. Deputy Chair.

When it comes to the development strategy and the supports therein for the development of that thriving and prosperous economy, it's extremely important to also comment on the fact that this is to the benefit of all Yukoners. This recognizes and respects that Yukon First Nations' special relationship with the land and the resources of their traditional territories is an extremely important context, and again, we need to make sure that we are communicating that over and over again.

The member opposite has spoken about industries' concerns about being excluded — perhaps that is too harsh a word — but not involved in the discussions at times around the mineral development strategy. We have enduring priority commitments that we have to adhere to: continue to advance reconciliation; to uphold the spirit and the intent of final self-government agreements; and to collaborate with Yukon First Nations on shared goals to advance Yukon's economic and social development. I firmly believe that if we continue down this road as opposed to antagonizing and instead work with First Nation governments when it comes to the mining industry, then we will be able to make more decisions here in the Legislative Assembly, more decisions government-to-government at the Yukon Forum, and less conversations about litigation and less decisions being made in the courts.

Our goal is always to work as much as we possibly can at whatever level — whether it be the federal government and looking at policies therein when it comes to the regulatory process or First Nation governments, also involving municipalities where there's overlap in those areas. We believe this approach is working. We're in our third year and we'll continue down this road, because we believe that this is the most positive way forward to making sure that we not only have a good and thriving economy but also that the environment is considered in our decisions.

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

Deputy Chair (Mr. Adel): It has been moved by Mr. Silver that the Deputy Chair report progress.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Mr. Adel: Mr. Speaker, Committee of the Whole has considered Bill No. 4, entitled *Act to Amend the Elections Act*, and directed me to report the act without amendment.

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

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

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

The House adjourned at 5:27 p.m.

The following sessional papers were tabled November 18, 2019:

34-3-21

A Year in Review — Yukon Human Rights Commission — 2018-2019 Annual Report and Yukon Human Rights Commission Financial Statements Year Ended March 31, 2019 (Speaker Clarke)

34-3-22

Health Care Insurance Programs — Health Services - Fiscal years 2009-10 to 2018-19 — Annual Report April 1, 2018 to March 31, 2019 (Frost)

Written notice was given of the following motion November 18, 2019:

Motion No. 114

Re: Requiring radon testing in licensed daycares and day homes (Hanson)