



# Yukon Legislative Assembly

---

Number 42

3<sup>rd</sup> Session

34<sup>th</sup> Legislature

---

## HANSARD

Tuesday, October 6, 2020 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2020 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
<b>Hon. Sandy Silver</b>	Klondike	Premier Minister of the Executive Council Office; Finance
<b>Hon. Ranj Pillai</b>	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
<b>Hon. Tracy-Anne McPhee</b>	Riverdale South	Government House Leader Minister of Education; Justice
<b>Hon. John Streicker</b>	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
<b>Hon. Pauline Frost</b>	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
<b>Hon. Richard Mostyn</b>	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
<b>Hon. Jeanie McLean</b>	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

<b>Ted Adel</b>	Copperbelt North
<b>Paolo Gallina</b>	Porter Creek Centre
<b>Don Hutton</b>	Mayo-Tatchun

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

<b>Kate White</b>	Leader of the Third Party Third Party House Leader Takhini-Kopper King
<b>Liz Hanson</b>	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	Joseph Mewett
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Tuesday, October 6, 2020 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Mr. Mostyn:** I would ask my colleagues this afternoon to join me in welcoming Tintina Air's Dave Sharp to the House today.

*Applause*

**Mr. Cathers:** I would like to ask members to join me in welcoming a friend and constituent, Melanie Brais, to the gallery.

*Applause*

**Speaker:** Tributes.

## TRIBUTES

### In recognition of Mental Illness Awareness Week

**Hon. Ms. Frost:** I rise in the House today to recognize this week as National Mental Illness Awareness Week. I invite Yukoners to take the time this week to learn about the realities of mental illness and about mental wellness strategies.

If you or someone you know is struggling, know that it can happen to anyone. I encourage people not to deny this known illness but to seek treatment as soon as possible, especially under challenging circumstances. It is perfectly normal if you are feeling angry, anxious, lonely, sad, or worried. It's okay to reach out for help, no matter where you are, your age, your history, or what you're going through. You don't have to go through it alone.

Every year, one in four Canadians live with mental health issues and everyone's reality is different, but this year, because of the impacts of COVID-19, more Canadians than ever are experiencing moderate to severe anxiety. Often, there are those whose struggle is compounded by the lack of support or a societal stigma associated with seeking help. This week is all about reducing the stigma associated with living with mental illness. This is why it is important for all of us to engage with an open dialogue about our emotional well-being with families, friends, and colleagues. By doing so, we improve and maintain our mental health in uncertain times.

To find out how to help your mental health and what supports are available during COVID, we encourage everyone to go to yukon.ca or reach out to the mental wellness hubs and supports in your community.

Yukoners can access services through the Canadian Mental Health Association, Yukon chapter, All Genders Yukon Society, and Health and Social Services' mental wellness and substance use hubs. Many other workshops and programs are also offered through our government to support those who strive to improve their overall mental health and wellness.

I invite you to follow the Health and Social Services Facebook page along with the pages associated with the above-listed various agencies. Collectively, Yukon's mental health and substance use services provide a light in the dark with their counselling services and support groups. Our mental health hubs in the communities ensure that help is available whenever Yukoners need it.

I would like to take the opportunity to thank Yukon's mental health professionals and advocates for their tireless dedication. I raise my hat to you for your creativity during the pandemic, ensuring that Yukoners have access to quality service in a safe manner.

Not everyone has mental illness, but everyone has mental health. Please take care of yourself — listen to your body and your mind, especially during these unprecedented times. Self-care is most important. This week and every other week, let's think of those around us who have hidden struggles and give them a hand. Let's make sure that no one is left on their own. Let's foster a culture of support and work every day toward destigmatizing mental illness.

Yukoners have displayed great resiliency during the pandemic and we lean on each other. Even if we can't be close physically, we need to stay close emotionally for our well-being.

Finally, Yukoners living with mental illness inspire us to persevere, to rise above, and to work together to ensure that our communities thrive and overcome stressful events affecting all of us.

*Mahsi' cho.*

*Applause*

**Ms. McLeod:** Today, I rise on behalf of the Official Opposition and the Third Party to recognize October 4 to 10 as Mental Illness Awareness Week.

The week was established in 1992 as a public education campaign to raise awareness and normalize mental illness. This year, the importance of this week may hold a little more meaning to many people throughout the Yukon. While COVID-19 has impacted many individuals and families in different ways, we are just realizing the massive effects that it is having on the mental health of people around the world. Anxiety is high among many. People are worried about food, health, safety, education, and most of all, financial security. This pandemic has affected everyone. Worry compounds and if there is no way to address it, it gets worse until it is more than just worry. Without avenues to tackle the very real and very human issues that we are facing in this pandemic, worry turns to anxiety, which can in turn manifest to much worse. Economic and geographic shutdowns have cost so many their livelihoods, their businesses, and their jobs, and anxiety is running high.

We have some supports in place here in Yukon to work with people who experience some form of mental illness, but we will always have a ways to go. I am told that there is a normal wait-list of six months for individuals to see a private youth counsellor, and six months of waiting to have a professional help you to work through your problems, to listen, and to find a way past them is an incredibly long time for any youth to face their burdens without help.

Mr. Speaker, let's all work on finding a solution to this problem and help people find ways to work through or cope with mental illness. It's a public health issue, and it's a community issue.

*Applause*

### **In recognition of 100 years of Yukon aviation**

**Hon. Mr. Mostyn:** Today we pay tribute to 100 years of aviation in the Yukon. I begin by welcoming special guest David Sharp, chair of the Yukon Aviation Advisory Committee. In this role, Dave represents an important connection between the aviation industry and the Yukon government. A long-time member of the aviation industry, a pilot, and a business leader, Dave exemplifies the drive, ingenuity, and professionalism that these stakeholders possess. Years ago, Dave graciously took time to talk to me about Yukon aviation — insight that has guided me through my time in office — and now he, along with the rest of the Yukon Aviation Advisory Committee, will identify strategic opportunities to support and grow aviation in the Yukon, and we are thankful to have him here today.

It is important to reflect on how aviation has shaped our economy, our well-being, and our sense of adventure over the past 100 years. It is the lifeblood of our modern northern lifestyle. It connects our communities and delivers essential goods, allows for medevac services, and powers tourism and mineral exploration and more besides. While we adapt to this COVID-19 world, aviation has never played a more important role — one we are proud to support.

I am a bit of an aircraft nut and have been since I was a youngster, so it was great to see the territory's pilots take off from the airport this summer and waggle their wings for spectators around Whitehorse as part of the celebration of 100 years of aviation in the Yukon.

For those of us who might need a refresher, aviation first took flight in the territory on August 16, 1920, when the Black Wolf Squadron touched down their De Havilland DH-4 planes on the site of the future Erik Nielsen Whitehorse International Airport. The US military flight was to prove the viability of long-distance air travel. The pilots touched down in Whitehorse on their way to Alaska from New York. It was a noisy bi-plane landing in Whitehorse in 1920 and it would have brought a buzz of excitement to the community; so strange and exhilarating for those who had never seen one before.

Aviation brought economic expansion to the north and allowed Yukoners to connect with their families down south. But it didn't come easy. Long, dark winter months paired with rough and unforgiving terrain made flying into remote areas difficult and dangerous. Keeping skilled employees in remote

communities would have been challenging and the financial risks of investing in airlines — a little-known industry — cannot be understated. We are thankful to those adventurers who paved the way for the industry we know today. We are thankful for the risks that they took and for the milestones that they achieved.

As we look to the next 100 years, we have committed to strategic investments that ensure a safe, efficient aviation system for Yukoners and that work has begun. Over the past two years, the Yukon has invested in maintenance equipment, runway paving, a maintenance facility and a second apron in Dawson and improvements in Mayo — all of which will significantly boost our airport productivity and tourism opportunities once the pandemic passes and people start travelling again.

Recently, First Nations, the aviation community, municipal governments, stakeholders, and the public have spoken about what they want aviation to look like throughout the territory. We heard that the future of our aviation system must focus on public safety, access to communities, supporting our economy, and the tourism sector. These ideas will inform investments that support a strong future for northern aviation.

We are incredibly lucky to not only have a rich history but engaged and passionate stakeholders who want the best for aviation now and for years to come. As I close, I acknowledge our locally owned and operated carriers, pilots, and operators. It is because of their dedication, passion, and love for the Yukon that we are giving these tributes today. These folks are vital to the Yukon's economic engine. They connect us to family, friends, and the world. They provide essential and emergency services and get us to some of the Yukon's most hidden and remote gems. They support our tourism, mining, outfitting, and exploration industries, ensuring that passengers arrive safely and depart safely.

Thank you all. We admire your strength and determination, especially as we try to navigate these uncertain times. We commit to ensuring our aviation community remains operational and resilient throughout this pandemic, and moving forward, we want to work with you to find ways to maximize benefits for you and for all Yukoners.

Looking to the next 100 years, we must remember how far we have come and keep our eyes firmly set on new horizons. Thank you.

*Applause*

**Mr. Hassard:** I rise today on behalf of the Yukon Party Official Opposition to pay tribute to aviation here in Yukon. We have come a long way since that first flight to the Yukon back on August 16, 1920.

Today, the territory is home to one homegrown commercial airline that is arguably the best in the business. Smaller charter airlines continue to provide immeasurable service between communities, moving travellers, employees, essentials, and other freight. Helicopter companies are essential to mining operations, environmental research, and a number of other operations. Sole proprietors provide services to hunters, outfitters, sightseers, and other tours.

COVID-19 has directly affected businesses and operations throughout the territory, and the aviation industry has been hard hit by the pandemic. With tourism being shut down and border restrictions in place, the aviation industry has been forced to shift focus to other areas where they are able to continue operations.

For me, growing up as the son of an outfitter, I spent much of my childhood flying in bush planes, often with some of the biggest names in Yukon aviation today. I remember one time, when I was about eight or nine years old, flying out of Big Salmon Lake with Joe Sparling. It certainly wasn't in his 737 days.

I want to take a moment to acknowledge an individual who has contributed greatly to Yukon aviation, both in practice and through authorship, and that of course is Bob Cameron. Bob is a former commercial pilot for the old Trans North Turbo Air, and he penned a book in 2012 that highlighted the unique collection of planes servicing the Yukon since the 1920s. The book, entitled *Yukon Wings*, tells the tale of aviation in the Yukon. The stories and photographs are incredible and focus on aviation throughout the 1930s, 1940s, and 1950s. I would certainly encourage anyone interested in aviation or history to find a copy of that book and have a look.

It was exciting to see some of those old aircraft and others take part in the celebration of 100 years of aviation here in the Yukon, which took place on August 16 — as the minister said — where pilots circled Whitehorse, tipping their wings in celebration. Again, congratulations to the aviation industry on 100 years, and on behalf of Yukoners, thank you.

*Applause*

**Ms. White:** I rise on behalf of the Yukon NDP to celebrate 100 years of Yukon aviation — a century of stories, characters, adaptation, ingenuity, triumphs, and loss. It will surprise no one who lived in Yukon this summer that, in the days leading up to August 16, it was questionable if the weather would clear in time for the celebratory Tip Your Wings Flight, but it did, and the once-in-a-century event occurred as patches of blue pushed away the clouds. It was as though the pilots were embodying the poem *High Flight* by pilot officer John Gillespie Magee:

Oh! I have slipped the surly bonds of earth  
And danced the skies on laughter-silvered wings;  
Sunward I've climbed, and joined the tumbling mirth  
Of sun-split clouds — and done a hundred things  
You have not dreamed of — wheeled and soared and  
swung  
High in the sunlit silence. Hov'ring there  
I've chased the shouting wind along, and flung  
My eager craft through footless halls of air.

Up, up the long delirious, burning blue,  
I've topped the windswept heights with easy grace  
Where never lark, or even eagle flew —  
And, while with silent lifting mind I've trod  
The high unsurpassed sanctity of space,

Put out my hand and touched the face of God.

So, Mr. Speaker, we would like to thank the Yukon Transportation Museum, the organizers, the pilots, the historians, and the enthusiasts, because it was a great celebration indeed.

*Applause*

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

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

## INTRODUCTION OF BILLS

### Bill No. 13: *Act to Amend the Elections Act (2020)* — Introduction and First Reading

**Hon. Mr. Silver:** I move that Bill No. 13, entitled *Act to Amend the Elections Act (2020)*, be introduced and read a first time.

**Speaker:** It has been moved by the Hon. Premier that Bill No. 13, entitled *Act to Amend the Elections Act (2020)*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 13 agreed to*

**Speaker:** Are there any further bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to ensure that all rural Yukoners who depend on Xplornet for Internet connection will have access to an affordable Internet connection beyond the end of 2020.

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

THAT this House supports the labour market funding program in response to the COVID-19 pandemic.

**Speaker:** Are there any further notices of motions?

Is there a statement by a minister?

## MINISTERIAL STATEMENT

### *Yukon Parks Strategy*

**Hon. Ms. Frost:** I am pleased to rise today to speak to the *Yukon Parks Strategy*, which we released at the end of September.

The strategy sets the direction for Yukon parks for the next 10 years and responds to the growing demands for Yukon government campgrounds. As a government, we are proud to have this strategy to guide how we sustainably manage and invest in parks and campgrounds.

The *Yukon Parks Strategy* commits us to: expanding the service campground season to five months, from May to September 30, starting next year; building a new campground

near Whitehorse; developing new trails at territorial parks; increasing the number of accessible wilderness experiences at boat-in and hike-in campsites; testing a campground reservation system; and developing a parks system plan.

Yukon's territorial parks have always played a big role in protecting Yukon's environment, cultural heritage, and ongoing traditional use by First Nations and Inuvialuit. The strategy will also help support Yukon's economy at a time when that could not be more important. The park strategy will create jobs in rural Yukon and result in significant capital investments. Through local employment and contracting opportunities, implementing the strategy will have a positive economic impact on many communities across the territory.

In order to sustain service levels in our parks, we will be increasing camping fees starting in 2022. While the draft strategy proposed increased fees in 2021, in consideration of the impact of COVID-19 on tourism and individuals, we are delaying the fee increases until 2022. The updated fee schedule will increase our cost recovery from an estimated 10 percent to approximately 22 percent. Even with the new increases, they will remain some of the lowest in Canada. These fees will help ensure that we can continue to offer world-class experiences in our parks and campgrounds while maintaining affordable access. Meanwhile, all the same amenities that Yukoners expect — including firewood, park entry, day use, parking, boat launch use, and interpretive programs — will continue to be free of charge.

By investing in Yukon's parks and campgrounds, we are contributing to healthy and happy Yukoners as well as supporting our vital tourism sectors. Parks and campgrounds are one of Yukon's best assets and they are beloved by Yukoners and visitors alike. This was especially apparent this year as more Yukoners are getting out camping and exploring their own backyards in the wake of COVID-19.

Mr. Speaker, I would like to thank everyone who participated in our public engagement on the draft parks strategy over the last three years. We heard from over 1,500 Yukoners, 200 non-residents, 10 First Nations, and 28 Yukon organizations. I look forward to working with our partners to implement this strategy over the coming years.

Mahsi' cho.

**Mr. Istchenko:** Thank you for the opportunity to rise today to speak to this. We all know that the parks and campgrounds are very important to all Yukoners. Our campgrounds are one of the most popular ways that Yukoners get to experience our amazing outdoor life, so we are glad to see the government pay attention to the need for further work to improve access to our campgrounds.

I am glad to see a new campground coming for Yukoners. It is badly needed, which is why we included that in our 2016 election platform. I was also very pleased to open the last newly constructed campground when we completed the Conrad campground. Conrad has been very popular and many Yukoners have expressed their desire to see more growth of our camping opportunities.

But I was a bit surprised to see that the new campground was going to be so massive — apparently, it has 150 sites. This would make it the biggest campground in the Yukon, which I'm not sure is the right approach. We would prefer new campgrounds to be of similar size to what Yukoners have become accustomed to. Nonetheless, Mr. Speaker, it is a good step that the government is finally recognizing that another campground is needed.

However, I can't help but think that this strategy was a huge missed opportunity for this government. At a time of unprecedented economic crisis, the Liberals had a real opportunity to use this strategy to help kickstart our economy and our struggling tourism sector. It was an opportunity to use our parks systems and campgrounds to incentivize economic opportunity. It was also an opportunity to encourage more local tourism and to encourage more money flowing into our communities. It truly could have been an important component of our economic recovery from the downturn caused by the pandemic. In fact, the document does not even mention the pandemic. There is no reference to the struggling tourism sector. I think the report actually says that the tourism sector is growing, and we know that this is not the reality for this industry.

It was mentioned yesterday that there are over 1,000 Yukoners out of work due to the pandemic. Many of the jobs are in the tourism sector. This strategy makes no mention of how we could help recover from this devastating downturn. It is clear that the parks strategy was written months ago, before the pandemic devastated our economy. Unfortunately, it is out of date and out of touch.

In fact, the only mention of the word "recovery" in the parks strategy is in reference to "cost recovery" which are Liberal code words for "increased fees" and "increased costs". The Liberals want to see increased fees to attend our parks for all Yukoners. They want to increase them for the general public, but they also want to get rid of the exemption for seniors and start charging seniors to attend our campgrounds. This is unfortunate.

As we learned during the pandemic, for many Yukoners, camping became the only way to refresh their mental health and to get a vacation. As we have seen during the pandemic, the majority of Yukoners reported that their mental health has gotten worse during the pandemic. This is why there was so much public outcry when the Minister of Environment made the political decision to shut down our campgrounds. We should not be creating barriers to attending campgrounds and we know that fees and taxes are a barrier. They are meant to prevent people from doing something.

As the Liberals loved telling Yukoners and Canadians during the carbon tax rebate, the reason you increase the cost of something is to prevent people from doing it. So here we have the Liberals actively increasing costs for Yukoners to go out and enjoy our campgrounds and this is unfortunate. At a time when Yukoners are struggling, particularly our senior citizens, the government should not be increasing costs to them. It will also hurt our communities as the government is encouraging people to stop going to campgrounds, which means that there

will be less economic activity in our communities as a result of these decisions. Again, this is disappointing because the strategy could have been used to kickstart our economic recovery.

It's also interesting to note that the Liberals are holding off on their fee increases until right after the territorial election, hoping that this will not hurt them at the ballot box.

But I do want to be clear: the Yukon Party government will stop Liberal increases on camping fees.

**Ms. White:** Mr. Speaker, I want to acknowledge the hard work that went into this strategy by many knowledgeable and passionate people. I want to thank those who participated in the consultation and those of course who work every day in our parks.

Camping is a part of what we do as Yukoners. Connecting with the natural world around us is an important part of our identity and it has been great to see movement on the importance of the accessibility of campgrounds. We look forward to the day when more campgrounds are accessible to those with disabilities than those that are not available to them, where trails and amenities are built with universality in mind so that every Yukoner, no matter their mobility, can get out into and enjoy the natural world in and up close, and in a personal way.

On the issue of fees, the Yukon financial advisory report that was commissioned by this government recommends raising user fees, fines, and related policies to better reflect costs to providing goods and services. A similar recommendation was made by the panel regarding the Yukon's non-renewable resources. So it's interesting that YG recognizes that, in order to sustain levels in our parks, camping fees will increase to reflect that reality. But at the same time, we are seeing little movement on fees associated with resource extraction in our territory.

In this year's budget, it was estimated that campground permits would bring in \$532,000 to Yukon's general revenue, whereas non-renewable resource royalties are expected to collect only \$22,000 — this at a time when the prices for our non-renewable commodities like gold have risen to historic highs. It appears that YG would rather have individuals who camp pay fees that reflect the cost, but those who benefit from the extraction of minerals continue to pay rates established at the turn of the last century. Again, Mr. Speaker, it's all about priorities.

We do welcome the decision to postpone the hike due to the COVID pandemic, but we also can't help but notice that this is pretty convenient for a government that is about to go into an election. We wonder if a more gradual approach to the increases would have been more appropriate, rather than simply pushing it to the next government to implement.

**Hon. Ms. Frost:** Mr. Speaker, I would like to remind Yukoners that the *Yukon Parks Strategy* was drafted in consultation with over 1,500 participants. We have had significant input on the design and development. We have self-

government agreements that define approaches to sustainability of our environment.

The Member for Kluane should very well know the process that his government took during the establishment of parks and the establishment of campgrounds.

With respect to the mineral development strategy, that really has nothing to do with the parks strategy other than this government proceeding with the mineral development strategy that looks at approaches of modernizing legislation. That is what this government is doing.

I would like to say thank you, Mr. Speaker, because the feedback is quite interesting. Do we take that under consideration? Probably not — we listen to Yukoners first and foremost. Our government is proud of the *Yukon Parks Strategy*. I am proud, as an indigenous person who has fought hard to implement the Peel strategies and who has fought hard to recognize indigenous reconciliation in Yukon. We know how much Yukoners and visitors enjoy using Yukon parks and campgrounds. This strategy reflects our government's priority to making parks and campgrounds more accessible so that all Yukoners can enjoy them and to do it in collaboration with our partners.

Last year, we opened up a new wheelchair-accessible interpretive trail at the Wolf Creek campground. We will continue to do that throughout the Yukon.

The Tān Tāgā Shro was developed collaboratively by the Government of Yukon, Kwanlin Dūn, Ta'an Kwāch'ān Council, and the City of Whitehorse. The trail features interpretive signage in English, French, and Southern Tutchone — the first of its kind in Yukon territorial parks. These kinds of accessible trails allow more Yukoners to get out and enjoy nature and have memorable recreational experiences. Increasing the accessibility of Yukon parks is a part of the strategy over the next 10 years. This is an important improvement from the past.

Another is the collaborative approach our Liberal government is taking with Yukon First Nations and municipal governments to improve our parks systems. This strategy includes a focus on reconciliation with our indigenous and Inuvialuit partners. We will work in collaboration with our partners to identify new parks and protected areas, making sure that we honour indigenous rights, languages, and harvesting and traditional uses on the land.

Yukoners will remember very clearly that a few short years ago, in 2013, the then-Environment minister tried to push through a campground in Atlin against the wishes of the Taku River Tlingit First Nation. Was there concern for the First Nation opposition? No. The First Nation pushed a lawsuit. Our Liberal government looks forward to continuing to manage parks collaboratively with our First Nations and our Inuvialuit partners.

Mr. Speaker, improving our parks and campgrounds and making them more accessible will require investments — another legacy of the Official Opposition, as we continue to reckon with their inability to sustain our environment. Yukon's current cost recovery for our parks is 10 percent —

**Speaker:** Order, please.

This then brings us to Question Period.

### QUESTION PERIOD

#### Question re: COVID-19 pandemic impact on alcohol and drug services

**Mr. Hassard:** The government-imposed COVID restrictions have had unfortunate and unintended consequences on public health. A recent Statistics Canada survey reported that 52.4 percent of Yukoners felt that their mental health was worse off now since physical distancing rules were implemented. Unfortunately, we have seen some people turn to drugs and alcohol as a result of this.

Can the Minister of Health and Social Services tell us what the current wait-list for detox beds at the Whitehorse Sarah Steele alcohol and drug services building is?

**Hon. Mr. Silver:** I do want to talk about mental health supports. I also want to acknowledge that the opposition members — you know, they have underserved Yukoners on mental health supports for years. Now they have a newfound interest in mental wellness and mental health. That is very welcome and encouraging, but they are very late to this party — that is for sure.

When we took office, there were two rural mental health workers. We now have 22 positions focused on Yukoners' mental health and wellness located in four new community wellness hubs. That is for rural Yukon, Mr. Speaker. Additionally, we have child and youth counsellors with masters' level training who work with children in every Yukon community.

Mr. Speaker, the minister will get on her feet obviously and answer the next two specific questions that the members opposite ask, but it's very interesting — their approach to mental wellness in this session. Right now, pandemic or not, people in Yukon, including students and rural communities, have the supports that they need. We will continue to make sure that those supports are available with our programming by properly supporting mental health in our territory. We are prepared to manage the unexpected. That is exactly what is happening in the territory and that's exactly what we're going to do — continue to work on the mental wellness of Yukoners.

I am very proud to also be on a national mental health symposium. I will talk more about that in other questions.

**Mr. Hassard:** Speaking of being late to the party, the Premier seems to be answering questions from a couple of days ago. I actually asked about the wait-list for detox beds at the Whitehorse Sarah Steele alcohol and drug services building.

My second question, Mr. Speaker — and hopefully we can get a little better response — is again for the Minister of Health and Social Services. Can she tell us how often the detox beds at Sarah Steele were at capacity throughout the pandemic?

**Hon. Ms. Frost:** The question with respect to wellness and services provided to Yukoners — I can happily speak to that. We have, through Health and Social Services, provided extensive supports for the current crisis we are under. We have provided supports to our communities. I will continue to address that by saying that I cannot answer specifically how many. I will certainly have to go back to the department, as that

is a very explicit question, but I will speak about programs and supports to Yukoners.

We have provided extensive supports, as noted by the Premier. With mental wellness supports, we have expanded collaborative care in our communities. We have a nurse practitioner in the community of Mayo. We have supports to Selkirk.

We have opened up extensive collaborative approaches in our discussions with the Yukon Medical Association as we look at virtual care and as we look at in-time supports during unprecedented times. So we want to just acknowledge all of the health professions for thinking outside the box and responding appropriately to the demand and the need of Yukoners.

**Mr. Hassard:** I certainly look forward to the responses to those first two questions, as we didn't get them here in the Legislature. I hope that the minister can get them to us in a timely fashion.

But moving on, Mr. Speaker — could the Minister of Health and Social Services tell us if the Sarah Steele Building had to turn anyone away from having access to detox beds over the course of this pandemic?

**Hon. Ms. Frost:** I will bring us back to the points that I made earlier. This government has elaborated — I will elaborate, Mr. Speaker, that the department has worked very closely with our First Nation governments. We've worked very closely with our NGO communities to ensure that we have timely supports — in-time supports — for members of our community that required it. That meant we had to put resources in place — and yes, I'm happy to say that we have ensured that those who have presented with illnesses or some challenges when in our community — we supported that.

We've done that through expanded supports through the referred care clinic. We've done that through expanded supports through our communities. We will continue to do that and work in collaboration with our communities through the land-based initiatives that we are working so hard with our communities on to provide services — not through Sarah Steele, Mr. Speaker, but through the communities that rightfully have that responsibility. We will hold them up and continue to do that good work with our communities — in particular, with the First Nation communities that have not been supported historically. I am happy to say that we are doing that now.

#### Question re: COVID-19 pandemic — funding to reopen schools

**Mr. Kent:** Yesterday, my colleague, the MLA for Whitehorse Centre, asked the Minister of Education why her department was lapsing \$634,000 from her department's budget. I thought it was a great question and I thought that the answers were eye-opening as to how little planning the Liberals — and in particular this minister — did for the school reopening.

As the Member for Whitehorse Centre pointed out, why wouldn't the Liberals have used that money to prepare our Whitehorse high schools to allow kids to return to school full



time? The minister didn't answer yesterday, so I wanted to give her another chance.

Why did the minister let that money lapse instead of spending it on enhancements to the schools to support their return to full-time classes?

**Hon. Ms. McPhee:** It is always unfortunate when members opposite indicate that we didn't answer questions because they don't like the answer that came forward. In fact, I did provide a number of examples as to why those finances have lapsed in the Department of Education and I, in fact, look very much forward to the budget debate coming forward to answer those questions.

The funds that have lapsed with respect to the Department of Education require much more than one minute and thirty seconds to respond to. I can indicate that the funds have remained in the Department of Education and that they do include the benefit and funding benefits that have come from the federal government to the tune of \$4.16 million.

**Mr. Kent:** So the question was: Why didn't we use some of that lapsed funding to support the return to full-time classes for Whitehorse high school students? That went unanswered by the minister.

The Public Health Agency of Canada, headed by Dr. Theresa Tam, has issued guidance to administrators of schools to support the reopening of classes. The guidance specifically states that we should address air exchangers and air ventilation in our schools. I have seen an e-mail from a school council member from Whitehorse asking the minister if the Yukon government will be applying to the Government of Canada for funds to support infrastructure needs related to COVID for our schools. Yet a CBC story from August 20, entitled "There's no plan to upgrade ventilation systems in Yukon schools", stated that the Liberal government hasn't invested in upgrading the ventilation in our schools.

Why are the Liberals ignoring the advice of the Public Health Agency of Canada, and why didn't they use the over \$600,000 in lapsed funding to upgrade the air ventilation in our schools?

**Hon. Mr. Mostyn:** The Department of Highways and Public Works maintains the schools in the territory. We are working very closely with the chief medical officer of health to meet all the standards required under our maintenance to make sure that the schools are safe for the students and the teachers.

**Mr. Kent:** What a missed opportunity to upgrade those ventilation systems in our schools — not only to deal with COVID-19 but also dust, mould, and other allergens. I have met with one local contractor who would be eager and anxious to bid on that type of work.

So, despite the Minister of Education cutting over \$600,000 from her budget and not using it to get our schools ready for kids to go back to full-time class, the federal government threw her a lifeline. On August 26, the federal government announced that it was giving \$4.16 million to the Government of Yukon to support the reopening of schools but, over 40 days later, the government still won't tell us how they are spending that money. Despite jurisdictions across the

country figuring this out right away, this minister has continued to drag her feet.

Will the minister agree to use the over \$4 million to help get Whitehorse high school students back to school full time?

**Hon. Ms. McPhee:** I am sure that there is an actual question in there somewhere that Yukoners deserve to have answered, despite the insults coming from the other side. I am happy to have the opportunity to repeat myself from last Thursday when this question was asked then. I indicated at that time that the department has identified a number of places where some of that funding will be spent initially: cleaning supplies; increased custodial services in schools; PPE such as gloves and reusable masks; equipment to support adapting learning spaces, such as additional desks and whiteboards; health and safety training for staff and teachers on call — that took place last Friday and will continue; additional costs for technology and school bandwidth to support digital and online learning and virtual and in-person study halls; the relocation of F.H. Collins grade 8 students and the Wood Street programs; and, of course, our top priority, which is returning grades 10 to 12 to school full time.

#### **Question re: COVID-19 pandemic — support for disability services clients**

**Ms. White:** During a regular COVID-19 update on June 2, the government announced additional funding for folks with disabilities to reflect the increased costs that they faced. The Premier said — and I quote: "An additional \$400 per month will be available to disability services clients..." Despite the Premier's words, people with disabilities soon found out that the payment was per household rather than per client. I pointed out this error to the minister, who then confirmed that only one payment per family would be issued.

Mr. Speaker, how is it fair that someone with a disability receives less support just because another member of their family also has a disability?

**Hon. Ms. Frost:** With respect to supports to Yukoners, I want to just say that we have worked with all of our support centres across the Yukon, ensuring that every Yukoner is given the support that they need despite the challenges that they are confronted with. We have certainly learned from our experience. Was it responsive? Was it sufficient?

I think I can say that our objective as a government is to ensure that Yukoners maintain the supports that they need. If it is not sufficient — if things are off track — I said on the very first day of this legislative Sitting that we are open to hearing from Yukoners. If we have challenges, we are adaptive. We will continue to adapt to the needs of Yukoners as they present their situations to us.

I would like to say to the member opposite that, if there are challenges, certainly I ask Yukoners to give us the necessary feedback so that we collectively can work together to align with the current needs of Yukoners — be it for disability or funding supports. We have expanded as much as we possibly can and we are willing to go the extra mile.

**Ms. White:** It is interesting because this was brought forward to the minister in a letter from the family highlighting those concerns.

I will break it down further: Following my letter to the minister where I talked about this issue, I was told that the additional \$400-per-month funding could be used for expenses such as respite care or specialized equipment. But it is pretty obvious that a family with two people with a disability will have more needs for respite care, more needs for specialized equipment, and more needs for support than a family with only one person with a disability. If we take into account how much volunteer support caretakers often provide, the need for support for families with multiple people with disabilities is even greater. The fair thing to do in that situation is to give the same amount of support and funding to each disability services client. The current system penalizes those families who have more than one person with a disability.

Will this government increase COVID-19 relief funding for disability services clients to \$400 per client like the Premier initially committed to?

**Hon. Mr. Silver:** I appreciate the member bringing up casework in the Legislative Assembly. We will get her the information for this very specific case. We wouldn't have casework in our binders for Question Period, but what I will say is that, right across the government, we are committed to ensuring that Yukoners do have the access to programs and services that they need during this pandemic. That will not change, Mr. Speaker.

Both our departments and the broader Yukon government as well — and Health and Social Services is no exception — will continue to innovate, to adapt, and to make sure that the programs do meet the needs of Yukoners. Programs may look a little bit different, but they are still available.

In addition to income supports and social supports for Yukoners and the economic supports for businesses and organizations and other actions that were taken very early to protect Yukoners and help Yukon businesses to thrive, we have also provided more information and included the expansion of particular services — too many to list right now.

The members opposite are asking for a specific answer. We will take back the specifics here of the casework and we'll get them the answers that they deserve — and we will reach out to the family as well, if we haven't already done so — but I do believe the minister is working with this particular family.

**Ms. White:** The issue is that this is systemic. This affects all families with children with disabilities. This isn't just one family; it's multiple families.

So the pandemic is ongoing, and what some thought would be a short-term problem will have long-term consequences. In these times, we need to look at how we can support those who need our help. Many programs accessed by folks with disabilities have reduced hours of services because of COVID safety measures. This creates a need for additional ongoing respite and support and this will be needed until the COVID-19 pandemic is well and truly behind us.

The additional funding that was announced by the Premier on June 2 was scheduled to last only three months. Ongoing support is still needed.

What action is government taking to provide ongoing support throughout the COVID-19 pandemic to clients of disability services into the future?

**Hon. Ms. Frost:** I would like to thank the member opposite for the question.

As I indicated, we have of course certainly learned a lot from COVID. We've learned a lot about the services we provide — the expanded scope of practice. We've learned a lot about efficiencies. We've learned a lot about shortfalls.

I want to just acknowledge and clarify that the funding that was provided was certainly — as was explained — for households. All people with disabilities were able to get other individual supports through disability services. That's still available. There is no penalizing anyone. I encourage Yukoners who are experiencing challenges to please come to the department; make it known what your challenges are. We will work with you. We will work through disability services.

To the best of our ability, we have adapted and we will continue to move to ensuring services are provided to Yukoners — in particular, with emphasis on collaborative care and disability supports in rural Yukon communities, which has been a major challenge as well. There is lots to learn — lots of best practices across the country and lots of experiences. We want to ensure that we do the best we can for Yukoners to ensure that they're happy where they reside in their communities.

#### **Question re: COVID-19 pandemic — Yukon highway border enforcement**

**Ms. McLeod:** Last week, the Yukon government announced that the COVID-related border enforcement model for Yukon highways will be changing to a system where enforcement officers staff the border from 9:00 a.m. to 6:00 p.m.

Under the new arrangements, visitors to Yukon arriving outside of business hours will be asked to stop at some sort of kiosk instead of by an actual enforcement officer. We know that many of the Yukon government employees who have been assigned to the role of border guards have not been entirely happy with this arrangement. Typically, they would rather be doing the normal duties of their respective positions.

Can the minister explain the rationale for shifting the border enforcement model? Has the government considered engaging the private sector for the provision of border enforcement?

**Hon. Mr. Streicker:** I appreciate the question from the member opposite. I think the first thing I want to say just in rising is that the border folks are there to try to keep Yukoners safe. That's what they've been doing for the past six months. Of course, that border enforcement comes into play because we declared an emergency that allows us to put in place these rules for border enforcement. We've been working very closely with the Canada Border Services Agency to try to work in a coordinated fashion to make sure that everybody is safe.

Things change over time, as always. Traffic is starting to reduce into the territory — road traffic from the south. It's increasing at our airports. We're shifting people. We're trying to put more staff at our airports and reduce the hours where it's staffed at the two border crossings. I said yesterday when I rose in this House to speak that we worked with the Town of Watson Lake and the Liard First Nation to see if they wanted to participate. We haven't closed the door to anything from the private sector, but we do want to recognize that this is an important role and we want to make sure that we can keep Yukoners safe. That's our overall goal.

**Ms. McLeod:** When these changes were announced, the Yukon government also announced that the travel restrictions for visitors from Alberta would remain in place for the foreseeable future. While the case profiles of both BC and Alberta have ebbed and flowed, they seem to be quite similar. Many Yukoners have also noted that residents of BC and Alberta can freely move from one province to the other.

Can the minister explain to Yukoners why the Yukon government has decided to allow travel to and from BC but not Alberta?

**Hon. Mr. Streicker:** Over the last several days in this Legislature, I have heard some of these questions and comments — we turn to the chief medical officer of health for advice on the epidemic. We ask for his and his office's recommendations. It's a health recommendation that is given to us.

In fact, I know that Dr. Hanley works nationally with all of the chief medical officers of health offices to discuss the epidemiology. It isn't just about the number of cases — when he talks to the Premier, others, and me, he explains that it is also about contact tracing and risk. So we take that advice, not from some other folks — whether they be businesses or whether they be NGOs or whether they be members opposite — what we ask for is the advice from a health perspective and that is the advice that we have been given. So far, to date, we have followed all of those recommendations.

**Ms. McLeod:** The economic links between Alberta and Yukon are well understood. A considerable amount of Yukon's goods are supplied from Alberta and there are tight links between businesses in Yukon and Alberta. Businesses that want to bring workers or people in from Alberta can apply to the minister for an alternative self-isolation plan, which allows them to bypass the 14-day isolation requirements. The Minister of Community Services makes the final decision on whether or not to approve those alternative self-isolation plans.

So can the minister tell us how many alternative self-isolation plans the government has approved and how many of those special exemptions are from Alberta?

**Hon. Mr. Streicker:** The first thing I want to do is to try to set the record straight a little bit here. Again, I just answered — I just responded — that we're not asking the business community to recommend to us whether we have alternative self-isolations or whether the epidemiology is strong enough. We ask the medical professionals to give us that advice and I thank them for that advice.

Second of all, we do allow for alternative self-isolation — but let me be clear: There is still self-isolation at all times. Somewhere in that question I am concerned that there was a misunderstanding. All of those people who come in are self-isolating, as per the rules that we have set up based on the recommendations from the chief medical officer of health.

I don't have a number off the top of my head of how many are from Alberta. I can obviously ask the folks who are dealing with those applications to go back through and count them up if that is what the member opposite would like — no problem.

What we do know is that we have had several hundred of those applications and we treat them as quickly as we can — because sometimes they are about compassionate issues, where a parent might be ill or just a situation that is very hard on a family. So we do our best to try to respond as quickly as we can to those people who are applying.

#### **Question re: School busing**

**Ms. Van Bibber:** One of things we hear often from Yukoners is about the difficulties they are having getting their kids to and from school this year. Many families have been left out of the school bus service for this year — yet, shockingly, we have found out that the minister has actually reduced the Education budget for the 2020-21 school year.

Can the minister tell us how many students applied to ride the school buses this year and how many were denied?

**Hon. Ms. McPhee:** I think it is clearly important to remind the members opposite and to speak to Yukoners about the priorities with respect to school busing and how they are, in fact, dealing with the health and safety of students in our school bus system.

School busing for the 2020-21 school year has of course been adapted to follow the chief medical officer of health and safety guidelines for school bus operations that were issued for the pandemic. These adaptations are to prevent the spread of COVID-19, to keep communities safe, and to keep children safe while they are getting to and from school.

In a standard year, in the past, there have been as many as 2,000 students on buses going to and from school. This year, even in the event of the COVID-19 restrictions and the guidelines and the requirements of the chief medical officer of health which have been adapted for school buses, there are almost 1,800 students riding school buses here in the territory.

**Ms. Van Bibber:** We are hearing many stories from the Copper Ridge area in Whitehorse. With no buses running to elementary schools in Porter Creek from this part of town, it has left a number of families without transportation for their children. Families attending Holy Family Elementary School can't get a school bus there, even though the other Catholic elementary school in Whitehorse is full. Families who were redirected to Jack Hulland Elementary School when Elijah Smith was full a number of years ago are being asked to choose between abandoning their friends and support networks or parents taking time off work to drive their children to school.

When will the minister be providing a solution to these families and others living in those neighbourhoods when it comes to school busing?

**Hon. Ms. McPhee:** I note that the member opposite is speaking about a particular case and a particular family that we have been working with. I also note that it is not appropriate for me to disclose any of their personal information, but I think, in a general way, what I can say is that student transportation regulations include students and transportation allowances or the ability for students to ride school buses for students who live farther than 3.2 kilometres away from the school that is in their catchment area.

As a result, I can also note that, of the number of students mentioned already who are assigned to school buses during this world pandemic — I want to remind Yukoners, perhaps, that while this adaptation for school buses has not been perfect, there are many jurisdictions in this country and around the world that have simply stopped running school buses altogether — all eligible students have been assigned a school bus, and approximately 150 additional students between kindergarten and grade 3 have been accommodated.

**Ms. Van Bibber:** For families living in the Porter Creek and Crestview areas, buses no longer stop at daycares, and the Crestview to Hidden Valley bus has been cancelled. Will the minister make the necessary adjustments to the school bus schedules and add a stop at the Porter Creek daycares? As well, will she return the school bus service from Crestview to Hidden Valley?

**Hon. Ms. McPhee:** I think that what is important for Yukoners to know with respect to school buses is that we have made amazing efforts this year working with the chief medical officer of health to determine school bus health and safety guidelines — that students have been accommodated in what has been a really unusual, difficult year for the folks at the department dealing with the school bus requests. Many, many of them came in late — some 600 in the middle of August, and the deadline is generally the middle of June.

Parents have been very cooperative. They have asked for their students to be assigned to school buses and then contacted us regularly to say, “I actually don’t need that space on that bus; could some other family use it?” So thanks to all of them. Thank you to workers and the staff at the department who have worked so diligently on these issues.

I can indicate that all of the eligible students in our system have been assigned a school bus. I would also like to take the opportunity to thank school bus drivers and to encourage anyone who is interested in working with children to come forward. We will have some additional buses coming, but school bus drivers are a very important commodity in our community and I encourage anyone interested to please let us know.

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

### Notice of opposition private members’ business

**Ms. White:** Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Third Party to be called on Wednesday, October 7, 2020. That is Motion No. 226, standing in the name of the Member for Takhini-Kopper King.

**Mr. Kent:** Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Official Opposition to be called on Wednesday, October 7, 2020. It is Motion No. 230, standing in the name of the Member for Pelly-Nisutlin.

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

## ORDERS OF THE DAY

**Some Hon. Member:** (Inaudible)

### Point of order

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

**Mr. Cathers:** Thank you, Mr. Speaker. I rise, pursuant to Standing Order 19(f), with regard to Motion No. 212 and the orderliness thereof. As you are aware, we were advised this morning that the government would be calling it today. The motion seeks to form a Special Committee on Civil Emergency Legislation, and the purpose of this point of order is to question whether this is in contravention of Standing Order 19(f) which prohibits reference to a “... matter that is pending in a court or before a judge for judicial determination where any person may be prejudiced in such matter by the reference.”

In introducing this matter, I would quote very briefly from the *House of Commons Procedure and Practice*, third edition, 2017, which notes: “The *sub judice* convention is first and foremost a voluntary exercise of restraint on the part of the House in which restrictions are placed on the freedom of Members to make reference in debate to matters which are *sub judice*, that is, awaiting judicial decisions. It is also understood that matters before the courts are also prohibited as subjects of motions, petitions or questions in the House. This restriction exists in order to protect an accused person or other party to a court action or judicial inquiry from any prejudicial effect of public discussion of the issue. The convention recognizes the courts, as opposed to the House, as the proper forum in which to decide individual cases. As Speaker Fraser noted, the convention maintains a ‘separation and mutual respect between the legislative and judicial branches of government.’ Thus, the constitutional independence of the judiciary is recognized.”

That is, of course, a brief excerpt from the *House of Commons Procedure and Practice*, third edition, 2017. With the direct reference of this, it appears to us that the matters covered in the motion may directly overlap matters that are covered in active litigation directed against the Minister of Community Services and the Government of Yukon. The minister is named in this court application specifically, and it is, of course, before the Supreme Court of Yukon.

I would also very briefly quote from the petition so that the Speaker may be better informed in making the ruling. The petitioners who have filed this litigation are seeking an order that — and I quote:

“THE PETITIONERS APPLY FOR AN ORDER THAT:

“1. With respect to the *Civil Emergency Measures Act*, R.S.Y. 2002, c.34 (the ‘CEMA’):

“a. A declaration that the CEMA is inconsistent with the unwritten constitutional principles of Canada, specifically the rule of law, democracy, constitutionalism, parliamentary accountability of government, and the separation of powers;

“b. A declaration that the CEMA, to the extent of this inconsistency, is of no force and effect;

“c. A declaration that s. 9 of the CEMA grants arbitrary power to the Respondents and is unconstitutionally vague;

“d. A declaration that s. 10 of the CEMA violates s. 7 of the *Canadian Charter of Rights and Freedoms* (the *Charter*); and

“e. A declaration that s. 10 of the CEMA is not saved by s. 1 of the *Charter*, and is therefore of no force and effect pursuant to s. 52 of the *Charter*.”

With regard to that, Mr. Speaker, while Motion No. 212 purports to do a review of the *Civil Emergency Measures Act*, the litigation that is directed against the Minister of Community Services by name and this government would, if successful in the Yukon Supreme Court, overturn parts of the *Civil Emergency Measures Act* itself as being unconstitutional. Therefore, it appears to us that debating this motion called by the government may contravene Standing Order 19(f) and I would ask you to rule on this matter before we proceed further with this.

**Speaker:** Minister of Justice, on the point of order.

**Hon. Ms. McPhee:** Mr. Speaker, I don't think it will surprise you or perhaps any Member of the Legislative Assembly that I vehemently disagree with the member opposite with respect to his interpretation of Standing Order 19(f) as well as his assessment of what both the motion before this Legislative Assembly is seeking to do as well as the petition that is before the Supreme Court. I will not comment on what the Supreme Court petition is attempting to do, despite the fact that the member opposite has read part of that into this record. The motion that is proposed today is not a review of the legislation. The purpose of it is to support a select committee or, as known in the Standing Orders, a “special committee” for the purpose of having a conversation with Yukoners about their comments, their ideas, and their issues — should they have any — regarding the *Civil Emergency Measures Act*. It is not, as the Leader of the Official Opposition has noted publicly, some sort of report card on what is being done. In fact, the motion that is before this House today, Mr. Speaker, is for the purpose of not talking about the details of the legislation at all but for putting forward a committee that can speak to Yukoners about these matters going forward.

The special committee —

**Some Hon. Member:** (Inaudible)

**Hon. Ms. McPhee:** Excuse me? Sorry.

Mr. Speaker, my comments will be directed at you. I urge you to permit this matter to proceed for debate. I have described it, I think, fairly. I appreciate that members opposite may not be interested in debating this particular motion going forward. It is a motion of the member opposite. It is irrelevant as to whether or not this matter, which is in my submission to you, Mr. Speaker, unrelated regarding the opportunity for these

Members of the Legislative Assembly to consider whether or not they want to form a committee to do some work.

**Speaker:** Are there further submissions on the point of order by the Member for Lake Laberge?

Does the Member for Whitehorse Centre wish to be heard?

**Ms. Hanson:** Mr. Speaker, not on the point of order. Thank you.

### Speaker's statement

**Speaker:** This is my initial gut reaction. My initial gut reaction is that this is obviously deemed to be important work for the government, but in my view, it is not time sensitive in that it does not necessarily have to proceed today. I have heard some interesting points from the Member for Lake Laberge and from the Minister of Education. Obviously, the petition is not before me right now, but there is *prima facie* — when I'm looking at the motion, two of the points are: (1) to consider and identify options for modernizing the *Civil Emergency Measures Act*; and (2) to make recommendations on possible amendments to the *Civil Emergency Measures Act*.

That at least puts the Speaker in a position where the Chair should at least review the position — in my view, the position taken on the point of order by the Member for Lake Laberge. My proposal — and I am certainly in the members' hands — is that there be a motion to adjourn this debate. Sorry — I will take guidance from Mr. Clerk on this. I am not in a position to rule on this matter immediately.

I am in the House's hands. I could ask the House's indulgence right now and we can stand down for 10 or 15 minutes.

**All Hon. Members:** Agreed.

**Speaker:** The House will recess for 15 minutes, please.

*Recess*

**Speaker:** I will call the House to order.

### Speaker's ruling

**Speaker:** Thank you, all members, for your time. I thank members for their contributions and submissions on the point of order. I have now had an opportunity to confer with the Clerks-at-the-Table and I have reviewed the excerpt of the article referred to me by the Member for Lake Laberge — *House of Commons Procedure and Practice*, third edition, 2017, edited by Mark Bosc and André Gagnon, under “The *Sub judice* Convention”, and I have conferred with the Clerks and find that the final observation of that excerpt applies in the current circumstances: “The convention does not apply to legislation or to the legislative process as the right of Parliament to legislate may not be limited. If the *sub judice* convention were to apply to bills, the whole legislative process could be stopped simply by the initiation of legal proceedings in any court in Canada.”

That is my ruling on this point, so debate on the motion can proceed.

**GOVERNMENT MOTIONS****Motion No. 212**

**Clerk:** Motion No. 212, standing in the name of the Hon. Mr. Streicker.

**Hon. Mr. Streicker:** I move:

THAT a Special Committee on Civil Emergency Legislation be established;

THAT the Hon. John Streicker be appointed to the committee;

THAT the membership of the committee also be comprised of one MLA from the Official Opposition caucus selected by the Leader of the Official Opposition and one MLA from the Third Party caucus selected by the Leader of the Third Party;

THAT the Leader of the Official Opposition and the Leader of the Third Party inform the Clerk of the Legislative Assembly of the names of the selected MLAs from their respective caucuses no later than seven calendar days after the adoption of this motion by the Assembly;

THAT the Chair of the committee have a deliberative vote on all matters before the committee;

THAT the committee:

(1) consider and identify options for modernizing the *Civil Emergency Measures Act*; and

(2) make recommendations on possible amendments to the *Civil Emergency Measures Act*;

THAT the committee be empowered to conduct public hearings for the purpose of receiving the views and opinions of Yukoners;

THAT the committee have the power to call for persons, papers, and records and to sit during intersessional periods;

THAT the committee report to the Legislative Assembly on its findings and its recommendations by August 31, 2021;

THAT, if the House is not sitting at such time as the committee is prepared to present its report, the Chair of the committee shall transmit the committee's report to the Speaker, who shall transmit the report to all Members of the Legislative Assembly and then, not more than one day later, release the report to the public; and

THAT the Clerk of the Legislative Assembly shall be responsible for providing the necessary support services to the committee.

**Speaker:** It is moved by the Minister of Community Services:

THAT a Special Committee on Civil Emergency Legislation be established;

THAT the Hon. John Streicker be appointed to the committee;

THAT the membership of the committee also be comprised of one MLA from the Official Opposition caucus selected by the Leader of the Official Opposition and one MLA from the Third Party caucus selected by the Leader of the Third Party;

THAT the Leader of the Official Opposition and the Leader of the Third Party inform the Clerk of the Legislative

Assembly of the names of the selected MLAs from their respective caucuses no later than seven calendar days after the adoption of this motion by the Assembly;

THAT the Chair of the committee have a deliberative vote on all matters before the committee;

THAT the committee:

(1) consider and identify options for modernizing the *Civil Emergency Measures Act*; and

(2) make recommendations on possible amendments to the *Civil Emergency Measures Act*;

THAT the committee be empowered to conduct public hearings for the purpose of receiving the views and opinions of Yukoners;

THAT the committee have the power to call for persons, papers, and records and to sit during intersessional periods;

THAT the committee report to the Legislative Assembly on its findings and its recommendations by August 31, 2021;

THAT, if the House is not sitting at such time as the committee is prepared to present its report, the Chair of the committee shall transmit the committee's report to the Speaker, who shall transmit the report to all Members of the Legislative Assembly and then, not more than one day later, release the report to the public; and

THAT the Clerk of the Legislative Assembly shall be responsible for providing the necessary support services to the committee.

**Hon. Mr. Streicker:** I just want to shift my remarks slightly. When we were talking in Question Period today, I heard a question from the Member for Porter Creek North about bus drivers and a question from the Member for Watson Lake about border control.

I just want to start off, because here we are — we are still in the middle of a pandemic. Yesterday, Canada had, I think, around 2,800 new cases. That was a new record for Canada — not a record that any of us want to achieve, but it shows clearly that we are in the middle of this second wave of the pandemic.

I just want to start by putting some emphasis on thanking all the people who have worked to keep us safe — from the bus drivers to the border enforcement folks — I'm sure that everyone here in this Legislature wants to say thank you. Let those be my first words — from store clerks to custodians working here in this Legislative Assembly, who I see working super late into the evening — I just want to say thank you because they are doing an amazing job for all of us. From teachers to truck drivers — thank you. To all those people who have helped to make the Yukon a safer place — because we have one active case here in the Yukon when I last looked — and I'm sure that was roughly two weeks ago, so I am hoping that person is well and soon on their way home.

We are in such a different place here in the Yukon. We have few cases here, but it doesn't mean that we should not be concerned about the epidemic. It is because we have been concerned about the epidemic that we have relatively few cases here. It is not up to me; it is all the work that Yukoners have done, including those border enforcement officers.

CEMA — the *Civil Emergency Measures Act* — dates back to the 1960s. When looking back at the history and the provenance of this piece of legislation, I note that it was amended in the mid-1980s, but it has not been updated significantly since that time. I note as well that, here in the Yukon — in Canada — we experienced SARS in the early 2000s — I think it was around 2003 — and then we had H1N1 in 2008. I think we even had deaths here in the territory as a result of H1N1. These were important times. It means that some of the members opposite who were in government at that time will have that experience and will have something to say about how we could improve this act. That is the importance that we all bring as legislators when looking at this act.

H1N1 hit and SARS hit, but nothing has been as big or as impactful as COVID-19 has been. I don't just mean in the Yukon or in Canada — I mean in the world. In how we navigate through this as a territory and as a group of people, we have to work from this act because it effectively is the backbone — it's the law — behind which we work.

The whole point of what we do — all the bus drivers, the store clerks, the custodians, and the legislators — the whole point is how to keep the safety of Yukoners intact. There was a question earlier — and I will refer to Question Period today — where the question came forward about our schools and another about our economy. Then there was another about health and mental wellness — talking about the restrictions.

This has been the challenge throughout: How do we balance the rules to protect against COVID-19 while the challenges of protecting against COVID-19 also represent other health challenges to Yukoners? That balance has been a very difficult balance to find.

I completely expect to hear views shared by the opposition about how they believe we should work to keep Yukoners safe — their perspectives, their scrutiny here in the Legislature or through correspondence over the summer while this has been happening. I've had a few letters — not many — but that is how I expect to hear from them. Now is an opportunity where we can all work together to try to talk about the act itself. But the main purpose, again, is: How do we protect Yukoners during a pandemic?

This motion is about the act. It's not talking about the actions. I think, as I've stated here just moments ago, it's important that here through the Legislature, through correspondence, through conversations — that we can hear the opposition perspectives on what they would like to see improved or would have done in a different way. Those are the actions that have been taken and that I will stand up and take responsibility for — at least those parts that pertain to my role as Minister of Community Services or in my other ministerial roles.

But what I note is that the act is old and we believe the act can and should be fortified to better serve Yukoners. That's the whole purpose of this select committee. When we proposed an all-party committee with a representative from each political party, we hoped to create a collaborative opportunity for parties to work together to improve and modernize this important legislation. One of the things that I will just note that I think is

of critical importance — it's hearing the views and opinions of Yukoners — of all those folks who are working now to keep us safe, of all those folks who are working to navigate this pandemic.

This committee would be empowered to conduct public hearings, to learn from the views and opinions of Yukoners, and would report to the Legislative Assembly on its findings next summer.

I want to make it clear that we have used the act to do just what I've said — to work with Yukoners, to make sure that we maintain the safety of Yukoners throughout. But this is about the tools that are at our disposal — as I have referred to it, the backbone of the choices on how to protect Yukoners.

So I look forward to having an all-party committee. I'm excited to get those views shared and to work collaboratively on that.

**Mr. Cathers:** In rising to this as the Official Opposition critic for democratic institutions on behalf of the Official Opposition and my Yukon Party colleagues, I would like to note at the outset that we are happy to participate in a review of the *Civil Emergency Measures Act*, but we do have concerns with this motion and with the approach being taken by the Liberal government. This includes the fact that, once again, for a party that talks a lot in its talking points and press conferences about collaboration and working together, this is another case where they've gone it alone.

Rather than working with the Yukon Party and the NDP to come up with mutually agreeable wording for a motion to name an all-party committee, they've presented this to the House and they now are facing the consequences for their unwillingness to work together, which is that we will criticize them for the choices that they've made in that they've made some serious mistakes — the most serious being the proposal to do a review of the *Civil Emergency Measures Act* and have the very minister who has been the government's lead minister throughout this pandemic and who is currently facing legal action for his decisions under this very act.

Now, I recognize and I do acknowledge the decision regarding the orderliness of this earlier — so I just want to make it clear, Mr. Speaker, that I'm not attempting to revisit that discussion — but I would note that the fact that this motion talks about matters that are very similar, if not a direct overlap, of those which are being dealt with in active litigation in which the Minister of Community Services is directly named by Yukoners who have taken him to court on this matter.

The motion is messy. It may procedurally be in order, but it's messy. From a public standpoint — even if it's legal, even if it's procedurally in order — for the Minister of Community Services to be on a committee reviewing the act under which, for the last seven months, this Liberal government has enacted a series of over two dozen ministerial orders without any public consultation and has taken the approach of telling Yukoners how it is going to be rather than listening — even if the government is procedurally in order and legally not across the line, it certainly at the very least undermines any public confidence in the process when the Minister of Community

Services — after being, for months, the government's lead on the orders under the *Civil Emergency Measures Act* — is then supposed to participate in a committee that is reviewing that act and what is working and what is not. Any review of that act, to be effective in nature, has to take into account how it is being used in application in the territory.

While the use of that act has occurred in other situations prior to the pandemic, the use of it during the pandemic is going to naturally be what is top of mind for Yukon citizens, and it is going to be the subject of most concern to citizens.

So whether it is the government's intention to do it this way or not, by its very nature, any effort to review the act and to hear from people how the act could be improved is going to end up being a de facto review of how well the act has operated this year and how well or poorly the government's actions under that act have been executed this year.

Mr. Speaker, again, I just want to touch briefly on one matter that the minister raised that we are in full agreement with. We would like to thank all of the Yukoners and indeed all of the people across the country who have been responsible for taking personal actions — either in the conduct of their professional duties or as citizens — to try to minimize the public health risk and to ensure that supplies continue to flow as Yukoners, along with many other Canadians, were given a bit of a wake-up call in the spring with regard to the vulnerability of our supply chains and even our food supply when we saw interruptions to some goods appearing in local stores, supermarkets, and other facilities. It is a reminder of the value of local production and a local economy, including local food production.

I would like to thank, on behalf of our caucus, everyone in the territory and across the country who have taken actions to adjust their lives in response to the pandemic and who, in the face of concerns and personal risks, has taken the steps to ensure that the food supply continues to arrive, that the fuel we depend on continues to arrive, that the lights are still on, and so on. I won't go through an exhaustive list, but I just want to acknowledge the fact that thousands of people in the Yukon and millions of people across the country have taken personal steps to try to ensure that society continues to function, but doing so in a way that reduces the public health risk.

I want to return to the key matters at hand in this motion, which include the fact that, in this motion — as I understand it, Mr. Speaker, from reviewing Motion No. 212 itself — it talks about calling persons, papers, and records. It talks about considering and identifying options for modernizing the *Civil Emergency Measures Act* and making recommendations on possible amendments. It would certainly seem, based on the wording of the motion, that officials from Community Services, including the deputy minister — who, as members know, serves at the pleasure of the Premier — would be called to testify before this committee. The minister sitting there is not going to make those people very comfortable to talk about the problems with what government has done and the actions they have taken.

I want to make it clear that I don't doubt that the Minister of Community Services has generally been trying to take

actions that he thinks are in the best interests of the territory with regard to these ministerial orders, but it has been a very top-down approach taken by this government. It has been an approach that assumes that the public, businesses, and other affected people don't have any answers regarding this. They assume that government knows best regarding the sweeping series of dozens of ministerial orders. Some would refer to it as a "father knows best" attitude. I would refer to it as somewhat casually autocratic, even if well-meaning. In its casualness, it is a bit of an arrogant approach to dealing with Yukoners and the public.

As we have stated throughout this through a series of press releases and other statements throughout this year, we do recognize that actions were necessary in response to the pandemic, but especially as we are now seven months into the pandemic — while government may have had to act quickly in certain areas at the beginning — the excuses for them failing to consult on ministerial orders are growing thinner and thinner. There is no reason why government — even after enacting a ministerial order that affected the lives and freedoms of Yukoners and the lives and freedoms of business owners — could not go out and ask for input on how well that is working, how well it isn't, and what should be changed.

Because it seems to be getting forgotten in the context of the pandemic, I would remind people that when rules are being made — when acts and regulations are being made that affect the lives of Yukoners, it has been the long-standing practice that there is consultation with the public and consultation with people who are being affected. Under ordinary, non-pandemic circumstances, if changes were being made that affected a workplace — if those changes were being made under the *Occupational Health and Safety Act (2017)* or its regulations or the environmental health act, to name a couple — there would be consultation normally with those who would be affected. They would have the opportunity for input on how those changes would affect them, where they thought improvements could be made, and what government should do.

While we are in a pandemic, it's not a dramatically different situation — the government may mean well, but the current Cabinet doesn't have all the answers, and officials — no matter how hard-working they are or how thorough the reviews are — do not understand every facet of how detailed regulations might affect someone in an area of Yukon society that they're not personally familiar with, no matter what someone's best intentions are. It simply is not possible to come from a place of infallibility in enacting regulations or ministerial orders of this type. It is possible to ask people.

As the minister noted, we're still in the middle of a pandemic and it does beg the question for some: Why, then, is government proposing doing a review of a piece of legislation that is subject to a Charter challenge while in the middle of a pandemic, while the minister who is being proposed to sit on the committee is also continuing to be the government's lead minister in responding to the pandemic and continuing to exercise ministerial orders and power under the *Civil Emergency Measures Act*? It may not technically be a conflict of interest, but it is certainly, in my view, a perceived conflict



of interest and a conflict of the ability of someone to be objective in reviewing their own performance. As the Leader of the Yukon Party has referred to it, it is effectively similar to someone being asked to give their own report card.

I will give the minister the benefit of the doubt that this may not be his intent through this exercise and it may not be the intention of the government, it certainly is going to turn into a de facto review of what has been done right and what has been done wrong under the *Civil Emergency Measures Act*, and that will directly relate to the actions of Cabinet and the actions of the Minister of Community Services, as the lead minister on behalf of Cabinet, in their collective decision-making.

It seems that — because of the timelines associated with it — the proposed changes also would take effect potentially after the pandemic is done, while people have ongoing concerns. So the proposal that is put before us in Motion No. 212 proposes that the Minister of Community Services be on the committee while some might think he would be very busy with other duties related to managing a pandemic — that the committee wait until August 31 of next year — which will either be after the next territorial general election or on the verge of it — and come back to the Legislative Assembly no later than the end of August of next year with those recommendations.

So that will effectively mean, under that proposed wording, that the recommendations will be too late for this government to do anything with them, and they may be too late for the pandemic itself, while Yukoners are being directly affected by the government's interpretation of what they believe is right and appropriate under the *Civil Emergency Measures Act*. Every Yukoner who is being affected by that interpretation — and what we believe is a misuse of some of those powers — every single person will have to wait almost a year from now before they see a report and even longer before they see action. That is not acceptable.

They are the same people whose lives and livelihoods are being directly affected and who are worried about that — and I am not understating the worry — I am not sure who the minister has heard from or what they have said or who his colleagues have heard from or what they have said in all cases, but I know that I regularly hear from people who are concerned about the impact of the pandemic on their business and who are concerned that their business — which was viable and doing well before the pandemic — may never recover from the pandemic and the restrictions related to it.

Some of those people are asking for public debate and changes now. Some of those people who feel that the government's actions have been inappropriate have gone so far as to take legal action against the government related to the *Civil Emergency Measures Act* and the actions of the Minister of Community Services. Others would like to see more opportunity for debate of the restrictions which are affecting their lives.

Again, I want to acknowledge — as we have throughout this — that we have heard from people who feel with any individual measures that too much is being done or too little is being done — that it's too restrictive or too open. There are people who are concerned about businesses being shut down

and not recovering from it. There are others who are concerned about the borders potentially allowing cases in through the changes that government has made such as pulling away some of the border enforcement staff and the specific wording around who is and isn't allowed into the territory.

Ultimately, while the opinions, concerns, and suggestions vary, the one common element — which almost every citizen can agree with — is that this should be subject to a public process, public debate, and public discussion of the decisions being made by government which are affecting their lives. There should be an opportunity for citizens, both directly and through their duly elected representatives — no matter which political party that democratically elected representative is a member of — to participate in decisions related to the government's response to the pandemic, including the health response and issues such as the ability of sectors of the economy to respond, as well as issues such as the impacts that some people are having due to mental health-related issues.

Ultimately, there are some people who feel that this approach taken by the government, rather than being a sincere effort to listen to the concerns of Yukoners and make changes during this pandemic and during the course of the next year or more that we anticipate we will probably be dealing with it based on current predictions — there are some who feel that this is just a political stunt by the Liberal government to try to deflect from the fact that they abused democracy and acted autocratically throughout the last half a year and have realized that some Yukoners are furious about the approach that they have taken and the autocratic nature of their decisions.

The Minister of Community Services, I should also note, should be focused on pandemic response — including listening to the feedback of Yukoners — and not focused on providing damage control for the Liberal government or political cover that makes it appear that they are listening to Yukoners through a committee of this type while not actually changing any of their actual responses to the pandemic.

I do want to take a brief aside, since I know that there have been government employees as well who have participated in — under the direction of their respective ministers — the development of the ministerial orders, and I appreciate that those who are tasked to do a specific job related to coming up with the rules that they think are most appropriate — I know that some of them have been working very hard and doing their level best, but ultimately the process is flawed — and again, I wish to reiterate the point that, no matter how hard-working or how well intended, no one can issue orders of this type from on high and be infallible in their approach. It simply is missing the basic elements of democracy that relate to the fact that democracy is not just a popularity contest or about government getting re-elected; it is also about listening to people and changing what government is doing, based on the input of the people who we are all elected to represent.

In reinforcing the points that I am making as the Official Opposition critic for democratic institutions, I do want to note that we are not the only ones saying this. I am going to quote from a few sources and others who agree with what we are saying. First of all, with regard to the question that some of the

decisions made by the Liberal government and this minister may in fact be unconstitutional — as the minister will know, the Canadian Civil Liberties Association wrote to the government in May with concerns that some of their decisions may be in violation of the *Canadian Charter of Rights and Freedoms*. The government was dismissive of that concern. In June, however, the Government of the Northwest Territories, with regard to their restrictions — which had been similar to decisions made by this Liberal government — issued a press release on June 10 wherein they noted that some of their restrictions may have been unconstitutional.

When we see that reference there — and I reference as well a CBC article: “N.W.T’s previous travel restrictions may infringe on Charter freedoms, admits government” — when we see those references and, on the flip side, the Liberal government — presumably acting on the advice of the Attorney General, the Government House Leader — dismissing those concerns as ridiculous — that the orders may be unconstitutional — yet just over to the east, the NWT government said, through a statement issued by the Premier, that they acknowledge that the restrictions were unconstitutional.

The minister and his colleagues should be able to understand why Yukon citizens, whose lives are being affected by the government’s decisions, are upset that they are being told, “Don’t worry; we are acting within our constitution”, while just over to the east, the Premier of the Northwest Territories says something very different about similar restrictions.

I would note as well that some of the public discussion regarding this proposed committee includes feedback on social media from the former Clerk of the Legislative Assembly, Dr. Floyd McCormick, who, in his current role as a private citizen, has chosen to make some comments on his view of the appropriate approach. I will just quote from some of his comments, which are already out in the public domain on social media, if members wish to see them. I would note that the former Clerk, in his capacity as a private citizen, has said a few things, including this — all of these being from tweets on October 5: “Last Thursday Community Services minister...” — and he named the minister — “... gave the Legislative Assembly notice of a motion to establish a Special Committee on Civil Emergency Legislation. There are 2 good things about the proposed motion, 1 being the proposal to set up the committee... The government could have done an internal review and then introduced a bill to amend the *Civil Emergency Measures Act* to suit its preferences. Instead...” — and he named the minister — “... has proposed a process that allows the opposition parties, and perhaps the public, to participate in the act’s review... This should happen more often. So, kudos for that. The other good thing is that...” — again, he names the minister — “... is proposing a committee of just three members, one from each caucus. In my experience smaller committees work better. Fewer members mean fewer schedules to coordinate... But...” — again, he mentions the minister by name — “... should not be on the committee. The YLA has appointed ministers to small select committees before. It should

abandon this practice. It should only appoint ministers to committees where party balance is necessary. It isn’t necessary for a 3-member committee... Committees exist to (among other things) help the YLA hold cabinet accountable for its decisions and actions. This is harder to do when a minister is on the committee. A minister can’t — and shouldn’t — as a committee member, hold their fellow cabinet ministers accountable... The committee’s focus should be on the future, not the past. But it will have to consider govt actions so far, including the ministerial orders...” — and again, he mentioned the minister by name — “... has issued under CEMA. The committee can’t de-personalize its process if...” — the minister’s name — “... is on the committee... especially if the committee holds public hearings and...” — the minister’s name — “... has to face people unhappy with some of his decisions. Plus, the pandemic isn’t over and may last throughout the committee’s mandate...” — the minister’s name again — “... shouldn’t be in a position of exercising authority under CEMA... while participating in a review of that authority. The govt believes...” — again, the minister’s name — “... responsibility for CEMA means he should be the Liberal on the committee. But responsibility for the act and involvement with govt decision-making are reason to leave...” — again, he names the minister — “... off the committee... Over the years the YLA has appointed ministers to the Public Accounts Comm. Those ministers never participate in studies that involve the department for which they are responsible. They recuse themselves. Another caucus member replaces them. That thinking should apply here... When...” — again, the minister’s name — “... is debated it should be amended to remove...” — the minister’s name — “... from the committee’s membership. A Liberal private member should be named instead...” — again, he names the minister — “... views, experience and expertise will not be lost to the committee... The committee can invite...” — again, the minister’s name — “... to appear before it, in camera or in public, to discuss CEMA and his experience with it. That way the Liberal...” — government — “... member will not have to defend the govt’s actions under CEMA. This would best serve the YLA, Yukoners and...” — again, the name of the minister.

That’s the end from the quotation from the former Clerk in his new capacity as a private citizen. I would just say that he made some excellent points. I couldn’t say it better myself. The key factor here — and again, I want to again make it clear to the minister that I’m not disparaging his intent in this. I have no doubt that the minister has been working hard throughout this year and I have no doubt that, in issuing the ministerial orders, he’s trying to do what he thinks is best for society — but as I noted before, there is the fundamental flaw and fundamental autocratic arrogance of government assuming they have all the answers rather than consulting and listening to people.

Another point that I should note throughout this year is that the Member for Watson Lake requested that the Standing Committee on Rules, Elections and Privileges meet to review ministerial orders and orders-in-council. The Third Party agreed. Then the government member on the committee

refused to convene meetings for this matter after multiple requests.

I will touch on a few of the events from this year as they relate directly to the motion and also to our confidence in taking the Liberal government at its word when they talk about what their intentions are in a process, because we have been burned before.

However, before I forget to mention it, I want to mention that the government — in their casual, autocratic use of the *Civil Emergency Measures Act* — has extended to the point where — in legislation tabled today — the *Act to Amend the Environment Act (2020)* — the handout given to my colleagues who attended the briefing notes that — and I am just going to quote its reference to the *Civil Emergency Measures Act*: “If another public health emergency were declared in the future and the ban needs to be paused, the exemptions could be dealt with under the *Civil Emergency Measures Act*.” This is with regard to Bill No. 14, entitled *Act to Amend the Environment Act (2020)*, which of course relates to the government’s commitment to ban single-use packages, products, and bags.

The fact that the government — rather than tabling brand new legislative changes that acknowledge and are adaptable to the fact that we are in a pandemic — where some products like single-use plastic bags, gloves, masks, et cetera, et cetera may be necessary for public health reasons, even if they are themselves somewhat wasteful from a waste-disposal perspective — the fact that, instead of tabling act amendments which acknowledge the reality that we are in a pandemic, their proposal is to pretend that everything is business as usual and propose that if their legislative changes — if they can’t enact them because they turn out to be tone-deaf and out of touch with the fact that we are in a pandemic, the government will just enact a ministerial order under the *Civil Emergency Measures Act*. That doesn’t make sense and that is an example of what I refer to as the “casually autocratic approach” that this government has taken to its use of ministerial orders under the *Civil Emergency Measures Act*.

I want to touch on a few of the things that have occurred throughout the pandemic that, again, relate to our sense of the government’s intent in this committee and whether this exercise is indeed intended to change anything or whether it may be, as some feel, just a cynical political exercise to deflect criticism from the government.

So as the minister will recall, we began the very short Spring Sitting in the Legislative Assembly as a global health crisis was breaking out across the world. After receiving the government’s budget — I believe it was on March 5, if memory serves, that they delivered that — we questioned the government’s claims that gross domestic product was going to continue to grow and the territory’s economy was going to boom this year — and particularly that the tourism economy was going to be growing in 2020 — in light of the fact that there was a global health crisis. As the minister will know, less than a week after that budget was tabled, the World Health Organization declared it a global pandemic.

Early in that time, we proposed an all-party committee to work together in responding to this pandemic and in helping to

guide the Yukon government’s response to it — especially as it relates to some of the economic response and restrictions. The Liberal government’s approach was to dismiss that offer and to spend a good part of that short Spring Sitting claiming that it was going to be business as usual for tourism this year and accusing opposition parties of being paranoid when it came to our concerns about the impact of COVID-19 on the economy.

Then we saw the government lurch from that to wanting to shut down the Legislative Assembly after they suddenly became aware of the fact that the situation was real and they hadn’t been paying as much attention to it as they should have. So then, following the adjournment of the Legislative Assembly in the Spring Sitting, the government kept issuing ministerial orders. We again proposed all-party collaboration. I’ll just cite from one of those releases — if the minister wants to find it, I believe he’ll find a copy of it on the Yukon Party Official Opposition caucus website, and of course it is in the hands of the media already.

May 4, 2020 — the “Yukon Party Proposes Special COVID-19 Committee and Return of Legislature” — “Over the course of the last month and a half, the Liberal government has brought in unprecedented powers and orders affecting daily life. These orders include mandated closures and restrictions, as well as limits on movement that affect how Yukoners live their lives. While some of these orders may be justified from a public health perspective, their passage was done without any democratic scrutiny or consultation with opposition parties, and not all are public health related.

“The Liberals have taken to using the extraordinary emergency public health powers they’ve given themselves to make changes in areas traditionally considered outside the scope of public health, such as taxes, suspension of regulatory timelines, and broad abilities to amend contracts. These actions represent an overreach on the part of the Liberals, and making these types of decisions without legislative scrutiny undermines our democratic institutions.

“Additionally, the Liberals have announced millions of dollars in new spending that has not been reviewed or even considered by the Legislative Assembly.

“Overall, this government has been an outlier in Canada when it comes to accountability to the public. Whereas other jurisdictions are holding daily public briefings with Premiers or Ministers, this Liberal government has now reduced the already limited briefings to only twice weekly, further decreasing government openness and accountability. While other jurisdictions have provided daily updates of data since the start, this government has sat on data related to testing and confirmed cases for days at a time. As well, briefings have a limited time for questions and in some cases members of the government flat out refuse to answer questions. Finally, since these briefings do not consistently feature anyone from the Liberal cabinet, those elected to govern the territory to avoid accountability for the decisions they are making that impact the lives of Yukoners.

“For this reason, the Yukon Party Official Opposition has written to the Liberals proposing that leaders from all three parties meet to negotiate terms for the creation of a special

select committee to consider any matter related to the government's management of COVID-19 and to report their considerations publicly to Yukoners. The Official Opposition has also proposed that efforts be undertaken to facilitate the safe return of the Legislature this month to allow for greater scrutiny by the territory's elected representatives over the government's decisions and spending.

"Please find attached the letter sent to the Premier."

That was from May 4, 2020, and here we are in October. How did the government respond to the Yukon Party's proposal to create a special COVID-19 committee — the second time we proposed an all-party committee dealing with this matter? Well, I think we all know the answer to that.

But, at the 11<sup>th</sup> hour, after spending months defending top-down decision-making, I think it's fair to say that government has finally realized that some Yukoners are fed up with their handling of the pandemic and especially fed up with the lack of public process around the decisions that are made.

Again, I want to return to the fact that for businesses that are directly affected by this and for children in the education system who were directly affected by this — the effects on people's lives from some of the decisions that are made may be serious. That does not mean that we are living in a situation where no restrictions are required, but the greater the potential impact on people's lives — including, if they own a business, their livelihood — the greater those impacts may be, the more they should have a right to be consulted on provisions that affect their lives — especially since Yukon has had so few cases during the pandemic.

It is not substantively different from the principle that has always been applied throughout the course of Yukon governments for decades — that when changes are being made that have a significant effect on businesses, citizens, and other stakeholders, they should have an opportunity to be consulted before those rules are put into place and government should have an opportunity to hear from those people about what they think is a good idea and what they think is a bad idea and to make improvements based on that feedback from the people whose lives are being affected by government exercising its powers. But that's not the approach that this Liberal government and this Premier took.

In fact — again, jumping back to May — the press release that was issued on May 4, 2020, by the Yukon Party caucus was followed up by another press release on May 12, 2020, entitled "No Response from Premier to Meet with Opposition on COVID-19 Response".

I'll quote from this as well: "On May 4<sup>th</sup>, the Official Opposition wrote to the Premier requesting that the leaders of all three parties meet to negotiate the creation of a special committee to review the government's response to COVID-19. This committee would allow elected representatives to exercise their democratic duty of scrutinizing government actions and spending. It could hear from Yukoners directly and report its findings to the Yukon public.

"On May 7<sup>th</sup>, the Official Opposition sent a second letter once again proposing that leaders meet before May 13<sup>th</sup> to discuss this matter.

"On May 11<sup>th</sup>, the Official Opposition sent another letter indicating that the Premier still had not responded. By that time, the Third Party had already accepted the meeting request.

"The Liberals still have not answered as to whether they will stop undermining democracy and allow legislative oversight of the government response to COVID-19."

So again, Mr. Speaker, when we've seen this pattern by the Liberal government throughout the seven months of this pandemic of an unwillingness to work together — when we see Motion No. 212 presented wherein they're professing a sudden eagerness to work together, the members will pardon us for being a little cynical as to their intent. Considering the actions that we've seen of the government to date in a number of other areas where we've seen the government playing games with processes, it is a little bit hard for us to be confident that there's any intention of this doing anything other than providing political cover to the government as they continue to act undemocratically.

I want to just turn as well to a report by the Samara Centre for Democracy. This relates to the Samara Centre — I'm not sure how it is pronounced — 2020 Member of Parliament survey — and for Hansard, as they're trying to find the quotes, I believe this would be available online, and we'll also be providing them a copy of our press releases that I was referring to earlier in my remarks.

This report by the Samara Centre, entitled *Representation in Isolation — the Samara Centre's 2020 Member of Parliament Survey*, talks about what has been going on in Canada and the context.

In this report, on page 33, it compares Canadian jurisdictions and their sitting days of the respective legislative assemblies — or provincial parliaments or houses of assemblies, depending on what the jurisdiction calls it — and compares how long they have met for in the period from March 16 to September 22, 2020: in Alberta, 47 sitting days; Prince Edward Island, 28 sitting days; Ontario, 29 sitting days; British Columbia, 21 sitting days; Saskatchewan, 17 sitting days; Northwest Territories, 17 sitting days; Québec, 17 sitting days; Newfoundland and Labrador, 15 sitting days; House of Commons, 14 sitting days, which, as members recall, they have been widely criticized for; Senate, 12 sitting days; New Brunswick, 11 sitting days; Manitoba, nine sitting days; the Yukon, four sitting days; Nunavut, two sitting days; and Nova Scotia, zero.

When we are talking about comparisons to other jurisdictions of how often the Legislative Assembly has met to debate the pandemic response and other matters of importance to the public, in that list of Canadian jurisdictions listing provinces and the federal government, where does the Yukon place? It is right down at the bottom, with only two jurisdictions sitting less to deal with the pandemic — again, this is according to the report by the respected Samara Centre for Democracy — yet the Liberal government seems set on issuing their excuses for why that has been the case.

We saw the case throughout the summer where, despite repeated requests, the Premier dismissed the value of the

Legislative Assembly meeting to discuss ministerial orders and to discuss restrictions and so on.

I want to move to another key finding from the executive summary of the Samara Centre for Democracy. It talks about the key findings from hearing from the political representatives in Canada on the democratic pressures caused by the COVID-19 pandemic. “Nearly 40% of MPs shared their experiences of the challenges they faced in their constituencies, how they thought Parliament was performing, and whether they believed an appropriate balance had been struck between oversight and expediency in the legislative process.”

It goes on to note a number of the key findings: “(1) MPs’ roles drastically changed during the first months of the pandemic. Parliament had adjourned and constituency work skyrocketed. As other workplaces closed, MPs and their staff took up many responsibilities that usually fall to the public service, and became broadcasters of real-time information for their communities.”

I would like to just take a brief aside from quoting that report. I know I found that, as did a number of my colleagues in the early days of the pandemic — especially when government was issuing new rules and restrictions from on high — in many cases, I was dealing with constituents and other Yukoners who were frustrated and in some cases desperate, wanting to understand what it meant in terms of its effect on their life. There was a wide range of casework issues, but people were reaching out for help. I know that I, along with a number of my colleagues, did our level best to help them with their inquiries. If they were running into situations where they were running into problems with government restrictions or other issues or the ability to have their issues addressed, we provided advice on how they could raise those matters and what they could do.

Jumping back to the report, on page 4 of this executive summary: “(2) MPs made new use of digital technologies to communicate with their constituents, stakeholders, and colleagues. The experience left many Members eager to continue to learn and experiment with digital tools, even beyond the pandemic.

“(3) More than 80% of MPs agreed that the House of Commons must find a way to meet regularly in order for Parliament to continue its important function of holding the Government accountable. But they also recognized that business as usual isn’t possible.”

So, again, jumping aside from the report — that relates to the fundamental issue that democracy matters, and democracy does not matter less during a pandemic. As people’s lives are being affected in new —

**Some Hon. Member:** (Inaudible)

### Point of order

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

**Hon. Ms. McPhee:** I’m wondering about this line of the debate. It seems to me that it contravenes Standing Order 19(b)(ii) in that it is not speaking to the motion or to the amendment that the member brings forward. I have waited

quite a long time, and the member opposite seems to be discussing a number of other things than his position or information for the benefit of Yukoners regarding the motion.

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

**Mr. Cathers:** Mr. Speaker, first of all, to clarify for the Government House Leader, I haven’t proposed an amendment yet, which she has suggested I did. Pursuant to Standing Order 19(b), I believe that I am speaking directly to the matter under consideration. It relates directly to the motion itself, and I am speaking of excerpts from well-respected public sources that relate to it. I don’t believe that there’s a point of order, and it’s unfortunate that, after seven months of refusing to call the Legislative Assembly, the Government House Leader is so quick to try to shut down debate coming from other members.

### Speaker’s ruling

**Speaker:** The main focus of this motion or proposed motion appears to be the proposal to strike a parliamentary committee and the mechanics of how that committee would be constituted and the responsibilities that it might have.

The Member for Lake Laberge has proceeded to make his comments with respect to what one might anticipate — well, what any MLA might have — with respect to the specific subject matter at some point. However, the motion primarily, in my view, identifies the mechanics of setting up the committee and how it ought to operate and what it ought to be empowered to do.

I think that the Member for Lake Laberge was provided quite a bit of latitude, I think — providing some background information with respect to the specific subject matter — but he may wish to start returning back to his views on the constituting of the committee, the mechanics thereof, and any specific concerns that he may have therein.

**Mr. Cathers:** Again, in talking about Motion No. 212, I want to emphasize the fact that we are willing to participate in a review of the *Civil Emergency Measures Act*. In fact, we are very happy to do so.

Our primary concerns with the motion as proposed relate to several factors, including the fact that we have offered to work with the government in an all-party committee dealing with issues related to the pandemic on more than one occasion, and our past efforts, as I noted in some of my related remarks, were rebuffed and dismissed — often with disparaging remarks from the Premier in press conferences about the need for such a measure.

So when we see a proposal now, after seven months — that the government has apparently had a change of heart and claims that it wants to work with the other parties — we do question their sincerity in it, especially with the proposed timing of the committee reporting to the Legislative Assembly on its findings and recommendations by August 31 of next year. As I mentioned, we don’t know, of course, exactly the date when the government will choose to call an election, but the next territorial election may happen before August 31, 2021. If it hasn’t happened by then, we will certainly be right on the verge

of a territorial election, with government having little to no time to implement any recommendations that may emerge from a report of this proposed committee.

Our other primary concern, of course, is the fact that the committee, as I have noted — I have referenced the opinion as well of the former Clerk, Dr. Floyd McCormick, in his current capacity as a private citizen providing his views about the appropriateness of this motion and problems with it. His views are very similar to our own in terms of the inappropriateness of the Minister of Community Services sitting on a committee as well as the public perception related to it — just briefly recapping the fact of what the former Clerk noted — that the minister “... shouldn’t be in a position of exercising authority under CEMA... while participating in a review of that authority.”

Again, Mr. Speaker, I just want to touch on a few of the elements of the history from this year — the reason why there is a need for the review of CEMA but also directly a need for reviewing the government’s actions through the issuance of ministerial orders, which have primarily been issued under the *Civil Emergency Measures Act* — for which the Minister of Community Services is the lead minister — the decisions that have been made have been affecting the lives of Yukoners. While some restrictions are clearly necessary, that does not mean that any of the restrictions were infallible or that all of the restrictions were well-balanced or justified.

For a review of the *Civil Emergency Measures Act* as proposed by Motion No. 212 to be effective, it properly needs to consider when the act has been used in the Yukon, how it has been used — and that relates, of course, Mr. Speaker, to the use of ministerial orders under it as one of the manners in which it is used — and that by its very nature, whether or not it is the government’s intent, that leads to it becoming a de facto review by the public and by the committee on what the government has done under the *Civil Emergency Measures Act* throughout the course of the pandemic. This will, of course, result in people bringing forward their views on whether they think that those orders were justified or unjustified, the effects that it has had on them — whether they believe those effects were justified or unjustified — and it will, by its very nature — regardless of the intent that the government may have in proposing this — become in fact a review of the government’s actions throughout the pandemic in using the *Civil Emergency Measures Act*. The motion, as it is, is flawed.

There are a few other things I am going to touch on without reading the excerpts from all of our press releases throughout this year — because, in the interest of expediting debate, I don’t want to do that — but a few examples included a May 15 press release from the Yukon Party Official Opposition caucus: “Liberals Pick Winners and Losers Along Alaska Highway”. It notes — and I briefly quote: “This week the Liberal government released its list of approved businesses where people can shop, eat, stay, and gas up along the Alaska Highway as they transit through the territory.”

The issue at that point was, again, that government — though not in that case directly through ministerial orders, but in its actions related to both the *Public Health and Safety Act*

and the *Civil Emergency Measures Act* — made a decision that left some businesses out. This was problematic.

We saw as well — and this speaks directly to the issue of “Why now?” with this committee after the government spent seven months dismissing the need for a committee — that on May 19, we issued another press release: “Premier...” — I can’t use his name, but it is mentioned in the headline — “... Says Liberals Don’t Need Legislative Oversight”. It noted how the Premier said on CBC, when he was asked why the government “... continues to act undemocratically by forcing through unprecedented and broad new powers without allowing the Legislative Assembly to provide scrutiny. In response, he shockingly said, ‘we’re not in a situation where we need legislative oversight for any of the actions that we’ve done so far.’”

Our response from my colleague, the Member for Copperbelt South, noted that: “Democracy is an essential service and for the Premier to dismiss our democratic institutions like this is startling to say the least... Yukoners should be very concerned when our leaders start decreeing that their political party should be free to operate without legislative or democratic oversight.”

Again, the relevance of this, Mr. Speaker, is the fact that we have had seven months of the Premier and this Liberal government refusing to work with the other parties. Now, after they have taken a substantial amount of criticism from the public and are being sued right now by Yukoners who are so upset with this government that they took it to court over their exercise of powers under the *Civil Emergency Measures Act*, the government has proposed a committee — but conveniently, the committee’s report will be almost a year down the road. Action on that report will probably be over a year down the road, the territorial election will be over and done with before anything happens, and we may be out of a pandemic by the time that is done. But Yukoners who are upset with how things are being handled want to see change now, not see it delayed by a year.

I want to emphasize the fact that we do hear a broad range of concerns from people on this — people who think that restrictions have gone too far and haven’t gone far enough. But ultimately, what we will continue to stand up for as the Official Opposition is the fact that we believe there should be public consultation and they should have the opportunity to have their views heard. I firmly believe that there are areas where the government’s ministerial orders could be improved if that opportunity for public debate occurred and that it could balance what makes sense for Yukon citizens, Yukon businesses, Yukon schools, and so on and so forth because of considering that feedback from the people who are actually living with the rules, realizing where there is an opportunity for improvement, and then taking that feedback and improving those rules and orders that are in place. However, that’s not what this committee would do, as proposed in Motion No. 212. It’s too little, too late.

Mr. Speaker, again, a couple of the other highlights throughout the year include that, on May 22, we issued a press release from the Yukon Party caucus, “NWT Legislature

Reconvenes to Scrutinize Government Response to COVID-19". We noted the fact that: "The Legislative Assembly in the Northwest Territories will resume sitting on May 26<sup>th</sup> to allow elected representatives to provide democratic oversight of their government's response..." Then we quoted from a Legislative Assembly of the Northwest Territories press release that said: "The priority for the resumption of the sitting is to adopt the final 2020/21 budget, introduce and consider legislation necessary to respond to the crisis and hold the government to account for its response to COVID-19 to date and other non-pandemic issues of importance."

Meanwhile, the Liberal government was refusing to recall the Legislative Assembly. So, again, we see a real contrast between this motion here today and the actions over the last seven months by the Liberal government. It seems to be a state here — one of the points that we noted at the time is: "If legislatures across Canada, including the Northwest Territories, can find a way to safely meet to allow for democracy to continue, then the Yukon can do the same. Democracy is not something you can ignore because it's an inconvenience."

Again, we will be proposing constructive amendments to this motion. We would like to see a review of the civil emergency legislation occur, but fundamentally, there is a big problem in the entire process if the lead minister is asked to effectively participate in a committee where he's being asked to scrutinize his own actions, take public feedback that will end up being about his own actions — whether that's what he is hoping to hear or not — and then he is being expected to dispassionately participate in a report that will directly relate to decisions by himself, as a minister, and decisions by Cabinet, of which he is a member.

One of our other concerns is that this whole committee process may be just an excuse to continue what we believe to be an abuse of power for another year without actually changing the act, changing the process, and changing their behaviour

The fact that rules are necessary does not mean that these rules have to be autocratically imposed and that the Liberal government should be given the excuse of physically distancing from democratic oversight for another year.

Of course, we are meeting here today to discuss Motion No. 212 and other matters. We are operating in a way that has been approved by the chief medical officer of health with desks being spread out in a manner that is very strange to those of us who have served in the Legislative Assembly for a while — to have such a gap in place. We are entering, as you know, wearing masks, as per that approved plan, and it is fair to say that this workplace is probably as safe as most other workplaces throughout the territory. But what we saw across the country — while the Liberal government was refusing to call the Legislative Assembly, refusing to convene any of the all-party committees that we had proposed to deal with the response to the pandemic — was other legislative assemblies resuming sitting earlier because they had figured out solutions, such as on May 5 —

**Some Hon. Member:** (Inaudible)

### Point of order

**Speaker:** The Member for Mayo-Tatchun, on a point of order.

**Mr. Hutton:** Standing Order 19(b)(ii) — again, he has strayed so far from the motion that there is no relevance at all.

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

**Mr. Cathers:** If the Member for Mayo-Tachun had been listening, I was just talking about the motion and made a brief reference to when other legislative assemblies were sitting — or started to make a reference to that — after I had talked about previous times this year when the Yukon Party had proposed other all-party committees related to the pandemic and that the government was not willing to deal with — so I don't think the member was listening. I don't believe that there is a point of order, and my comments certainly are intended to be directly relevant to the motion we are debating.

### Speaker's ruling

**Speaker:** As far as members' rights and privileges for however long the Fall Sitting is, members will have, I would anticipate, numerous opportunities to go into the subject area that the Member for Lake Laberge is going into — in the subject area for which he has quoted press releases with respect to sitting, sitting frequency, and how — in the Member for Lake Laberge's narrative — it ought to have unfolded. He certainly will have ample opportunity to exercise his rights and privileges in that regard over the course of, I anticipate, many days in the Fall Sitting.

The issue of sitting or not sitting — I'm scouring this motion to review any reference to "sitting" or "not sitting" in the Assembly. I'm not, at first blush, seeing it. I will once again emphasize that the Member for Lake Laberge, I believe, has been granted a fair bit of latitude to put some meat on the bones, as we might say, with respect to his submissions, but I would ask him, once again, to return to the substance of the motion as I'm reading it here and any additional concerns that he might have with respect to the motion that we are debating this afternoon.

**Mr. Cathers:** I will, of course, stay within the bounds of what has traditionally been the freedom of speech in this Legislative Assembly and my understanding of your ruling as well, but I do want to emphasize, in talking about this, that, in talking about a motion, it has been a long-standing practice for members to talk about the merits or concerns with establishing a committee.

A number of my remarks — I know that the Government House Leader didn't like what I was saying. It appears that the Member for Mayo-Tatchun didn't like the criticism of their actions as well, but it is directly relevant to the merits of forming this committee, because if we question whether the government has any interest in actually participating in a real and meaningful review related to their actions on the pandemic after seven months of them turning down proposals to create an all-party committee, it does call into question whether Motion No. 212 should be supported, especially as worded. That, for

members opposite, was the relevance of the points that I was making.

I want to note as well that democracy is important. Regardless of the merits of protecting health and safety, it's important for responsible governments to ensure that they are respecting the *Canadian Charter of Rights and Freedoms* and respecting democratic principles within our society. It should be noted as well that, even during wartime in World War II, the Parliament in the United Kingdom as well as in Canada continued to operate and to sit, even when there was a risk in the United Kingdom of Parliament potentially being the subject of German bombing attacks. The process matters. The sincerity of government in launching a committee matters as well.

In our view, the government has spent seven months physically distancing from accountability and now is proposing a motion that they claim will be about working together and making the act better, but because of putting the minister who has been their lead minister during the response to the pandemic on the committee and the end reporting date of the committee being potentially beyond the date of the next territorial election — and if not beyond it, then on the verge thereof — it really calls into question whether this committee is more than just smoke and mirrors and an effort of a government to deflect all criticism toward a new committee as a venue.

Some of the other comments, we would note, that were relevant to the motion — because the proposals — we would like to see the *Civil Emergency Measures Act* include more involvement of the Legislative Assembly and committees if an emergency were to be declared, which again directly relates to the motion at hand.

Mr. Speaker, I will shortly propose an amendment to this motion, but I do want to note the fact that, throughout this year, we have seen legislative assemblies across the country resume sitting. Newfoundland resumed sitting on May 5, Manitoba on May 6, Québec on May 13, Ontario on May 19, NWT on May 26, Alberta on May 27, the Saskatchewan Legislative Assembly on June 15, and British Columbia as well in mid-June. The sincerity of this motion, after months of this government refusing to agree to all-party committees proposed by the Official Opposition — it does call into question how sincere they are about this process and the fact that they have almost turned backflips throughout the year to find excuses to avoid calling the Legislative Assembly back before fall and it does relate to our underlying cynicism regarding this matter.

With that, Mr. Speaker, I think I have made most of the key points I wished to regarding this matter. I am going to propose an improvement to this motion that would address one of the most glaring problems with it, which is the inherent problem with not only having a minister on the committee, but also having the very minister who is the lead for the government's response under the *Civil Emergency Measures Act* representing the government on that committee.

Again, as I noted, it's not just me expressing that concern. The former Clerk, Dr. Floyd McCormick, in his current capacity as a private citizen, expressed — as I noted earlier in Hansard — his views very clearly on social media in a list of reasons why the committee, as proposed, was problematic,

including noting the practice of how, if there are ministers on the Public Accounts Committee, those ministers never participate in studies that involve a department for which they are responsible. They recuse themselves and another caucus member replaces them. Unfortunately, we haven't seen that approach taken here. We hope that the government will listen to the concerns that I brought forward as the Official Opposition critic for democratic institutions on behalf of myself, my colleagues, and Yukoners who have contacted us with concerns.

Therefore, I will begin by proposing an amendment that I am hoping, by this point, the government will consider a friendly amendment to follow the advice of the former Clerk and others and that will respect the parliamentary tradition that has been set here on the Public Accounts Committee — both under the current Legislative Assembly and in the past — by replacing the minister on the committee with a government private member in that capacity.

*Amendment proposed*

**Mr. Cathers:** I am pleased to move:

THAT Motion No. 212 be amended by deleting the words “the Hon. John Streicker” and inserting in their place the words “Don Hutton”.

**Speaker:** We have an amendment on the floor. If caucuses wish to discuss their positions on the proposed motion, I can give them two or three minutes to do that.

Is it time for a 10-minute break?

**All Hon. Members:** Agreed.

**Speaker:** A 10-minute recess has been called.

*Recess*

**Speaker:** I will now call the House to order.

The amendment is in order.

It has been moved by the Member for Lake Laberge:

THAT Motion No. 212 be amended by deleting the words “the Hon. John Streicker” and inserting in their place the words “Don Hutton”.

**Mr. Cathers:** In speaking to this again — as I noted, but just to recap — the point of this amendment is to address one of the fundamental and serious flaws with this motion, wherein the Minister of Community Services — after having been the lead minister for most of the Liberal government's response to the pandemic and being the minister named on most of the dozens of ministerial orders issued under that act without any public consultation — is then being, supposedly, thrust into a position where he would dispassionately listen to Yukoners about their concerns and come up with recommendations based on that, despite the fundamental bias based on his past experiences and the fact that, by its very nature, a committee of this type, proposed in Motion No. 212, will hear concerns from Yukoners about how the *Civil Emergency Measures Act* has been utilized this year, which primarily relates to the issuance of those dozens of autocratic ministerial orders and will, by it's



nature, result in the public wanting to do a review and provide comment on the government's actions under CEMA throughout this year. It will certainly not inspire public confidence to have the very minister who was the lead taking responsibility for it. As I noted, in citing the comments from the former Clerk, Dr. Floyd McCormick, of the Legislative Assembly, he noted, in his current capacity as a private citizen, his views on where this motion had value and also the serious flaws inherent in having the Minister of Community Services sitting on that committee, noting — as he did in part in his comments on social media — that, just as the practice exists of government ministers who are on the Public Accounts Committee recusing themselves from studies of departments for which they are responsible — that some other caucus member should replace them — therefore we are in keeping with that tradition.

In an attempt to fix this motion, we are proposing replacing the minister with another member of the government caucus. We have chosen a non-government member to suggest. The reason for selecting the Member for Mayo-Tatchun is that, in looking at the roles and the opportunities that the government backbenchers have to participate on committees on behalf of their constituents and other Yukoners, clearly the Member for Mayo-Tatchun currently has the least opportunity of any of the government private members to participate in these committees.

We know that, in fact, the Government House Leader proposed a motion that removed him from committees in a previous Sitting. We are not sure why that occurred, but I'm sure that his constituents would welcome him having an opportunity to serve on this committee and to participate on behalf of them and other citizens in this role. Again, in looking at the fact that, since the government chose in their motion to name a member by name, we have replaced it with naming another — suggesting another government member. The reason for us making that suggestion is the fact that, clearly, the Member for Mayo-Tatchun has the lightest load in terms of committee work, which also means that he has the least opportunity of any of the government private members to participate in a meaningful role on behalf of his constituents. So, we are proposing helping him out with that and giving him the opportunity to represent the people of Mayo-Tatchun and to provide a voice on behalf of rural Yukon on this committee.

**Ms. Hanson:** In rising to speak to the proposed amendment, I understand the intent of the amendment. I just think it's important to step back for a second here, because it seems to me that perhaps this whole debate has gotten off on the wrong foot. As I read the proposed motion, it is about a review of CEMA, but unfortunately, it was introduced by the minister responsible for CEMA and names the minister responsible for CEMA to preside on that.

I understand the intent of the proposed amendment from the Member for Lake Laberge because, in fact, it is in keeping with legislative precedence in terms of ensuring that we are not guiding the conduct of any committee — that having the

Cabinet minister responsible for the subject matter for the piece of legislation on that committee seems wholly unusual.

Unfortunately, I think the whole conversation this afternoon got off on that tack because the minister responsible for CEMA referred to actions taken under the aegis of his responsibilities for that act, talked about the challenges, and talked about CEMA and so it gave a platform for many of the concerns that Yukoners and members of this Legislative Assembly have expressed since March 19.

As difficult as it may have been to hear some of the comments made this afternoon, I think that the motivation to suggest that a member — and I heard repeatedly from the Member for Lake Laberge that he and his colleagues, as do we, support the idea of a review of a very outdated piece of legislation. The concern being expressed is that, as the minister responsible for CEMA has already put forward to this Legislative Assembly, the pandemic is not over. He has ongoing responsibilities under that existing piece of legislation.

So, I think it was perhaps a bit misguided for the Liberal caucus — or perhaps the minister, in his eagerness, given his experience, to put forward his own name — but perhaps now the idea that has been put forward by the Member for Lake Laberge — that he stand down from that committee and have another member of the Yukon Liberal caucus participate, I think, would certainly make sense.

**Hon. Ms. McPhee:** I don't agree that there is any flaw in the motion that has been put forward, and I am happy to tell my colleagues here in the Legislative Assembly why that is. I certainly don't see it as a fundamental flaw, as it has been characterized by the member opposite for the opposition caucus.

I should also note that I appreciate that it has been characterized as an improvement, maybe, rather than an amendment. I think it has also been characterized as a friendly one. I think it should be clear that this was not brought to our attention prior to just a few moments ago, so it is not, in my estimation, considered friendly.

I also think, unfortunately, it's a bit presumptuous not only in the way it's written, but on the basis of the comments that were made in support of this by the Member for Lake Laberge regarding the personal and professional workload of the Member for Mayo-Tatchun. I appreciate that might be his opinion, but as far as I'm aware, the Member for Mayo-Tatchun was not approached about whether or not this was something that his workload could support.

I can also indicate that we have brought forward this motion based on a number of past practices and a review of how those special committees were formed and formulated. I can stress that and give a number of examples, Mr. Speaker.

On April 9, 2008, the then-government — the conservative Yukon Party — brought forward a motion for a special committee on the Human Rights Commission. That committee was proposed to be the then-Justice minister Marian Horne, MLA Don Inverarity from the Yukon Liberal Party, and MLA Steve Cardiff from the New Democratic Party. During the debate of that motion, the information that I have is that the

NDP did not speak to that motion and certainly no concerns were raised or expressed by the government or any party during that period of time. Of course, any review of the Human Rights Commission and the work that it does would be under the responsibility of the then-Minister of Justice and clearly of concern if the reasoning that was being brought forward to this Legislative Assembly today was applied in that case.

I can also indicate that, back in 2013 — in fact, the now-leader of the conservative Yukon Party, Currie Dixon, was the Minister of Environment. He was named —

**Some Hon. Member:** (Inaudible)

### Point of order

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

**Mr. Cathers:** Either the Minister of Justice is doing a really bad job of fact-checking or she's inventing new party names that don't exist. Either way, I am not sure if she is deliberately mischaracterizing something or whether she's just really sloppy in her research. I would hope that the Minister of Education would do a better job than that. I would ask her to refer to the parties by their proper names in this Legislative Assembly.

**Speaker:** The Minister of Justice, on the point of order.

**Hon. Ms. McPhee:** I am sorry; I didn't hear at least half of what the member opposite said.

**Speaker:** If the console operator could ensure that all the mics for all MLAs are at the appropriate levels and then could the Member for Lake Laberge repeat himself, please?

**Mr. Cathers:** Thank you, Mr. Speaker. I will repeat myself as per your request. I am not sure whether the Minister of Justice and Minister of Education was, through poor research, incorrectly referring to a party's name or whether that was a deliberate mischaracterization. I would hope we could expect better from the Minister of Education in terms of her research. Either way, I would ask you to instruct her to refer to parties by their actual name here in the Legislative Assembly, not inventing names or misusing terms due to poor research on her part.

**Speaker:** The Minister of Justice, on the point of order.

**Hon. Ms. McPhee:** I have no comments on the point of order except that I appreciate the opportunity perhaps for corrections to be made. But I would also appreciate it if the insults could stop from the member opposite during his arguments on a point of order. They confuse me, Mr. Speaker.

### Speaker's ruling

**Speaker:** This point of order has not been raised during the 34<sup>th</sup> Legislative Assembly in my recollection. Of course, I may be mistaken. I will take this under advisement and report back to the House, if required. I will leave it at that.

**Hon. Ms. McPhee:** I think I was at the point where I was making note of a situation back in 2013 when the Leader of the Official Opposition, as he is now, Mr. Currie Dixon — at the time, he was the Minister of Environment — in fact, it was a motion brought forward in this Legislative Assembly by the

member who is representing Lake Laberge. He brought forward a motion for a committee on hydraulic fracturing. The then-Minister of Environment, Mr. Dixon, was the nominee for that committee and he in fact participated in that committee, despite the fact that, again, if the reasoning that was being used today was applied, he would have been by all accounts — according to the opposition — inappropriately named as a member of that special committee.

Mr. Speaker, it is lastly unfortunate that efforts have been made to try to work going forward for the purposes of this work going forward — so I appreciate the comments of the member of the Third Party, but this is about a matter going forward, looking to hear from Yukoners about how this piece of legislation could perhaps be improved. We have brought forward this motion naming the honourable minister on the basis that he is the person who has the most working knowledge and experience with this piece of legislation — frankly, something that very few people have. In this Legislative Assembly or even in former governments, it has not been used very often.

Lastly, an attempt as I've noted to choose our member is not appropriate. We have brought forward the concept that every party should choose the member who they want to have participate in this work on behalf and for Yukoners. We look forward to that debate continuing.

**Mr. Kent:** I rise in support of this amendment being proposed by the Member for Lake Laberge. I appreciated the intent.

I do have to speak to a couple of the things that the Government House Leader mentioned. Of course, the Member for Lake Laberge did characterize this as a "friendly amendment" and the Government House Leader went on to say, "Well, if it was so friendly, why didn't we see this before it was tabled?"

But I'll remind the Minister of Justice — the Government House Leader — that we never saw the original motion until it was read into the record in this House. I mean, for her to say stuff like that is disappointing to say the least when she knows very well that the wording of the original motion was not shared with members of the opposite side of this House prior to it being tabled in the Legislative Assembly — or I should say that it was not shared with the members of the Official Opposition prior to it being tabled in this Assembly. I won't speak on behalf of the Third Party.

Another issue that she brought up with respect to a previous committee was the committee on hydraulic fracturing and the appointment of the then-Environment minister to that committee, but I will remind the minister — perhaps the minister doesn't realize this as she wasn't a member of this House at that time — that the responsibility for responding to that report was for the Minister of Energy, Mines and Resources — and that minister at the time, I believe, was the Member for Lake Laberge, or perhaps it was me, but I was not on that committee. I did respond to the report of that committee once it was tabled in this House.

Mr. Speaker, a committee that I was on during the 33<sup>rd</sup> Legislative Assembly was the Public Accounts Committee, and I was on that as a sitting minister. I know that my colleague, the Member for Lake Laberge, read some of the comments that were made by the former Clerk of the Assembly in a series of tweets that he put out, but I wanted to specifically reference one of those excerpts. It goes on to say — and I quote — that over the years, the YLA — the Yukon Legislative Assembly — has appointed ministers to the Public Accounts Committee. Those ministers never participate in studies that involve a department for which they are responsible; they recuse themselves. Another caucus member replaces them, and that thinking should apply here.

The Clerk goes on to say in the next tweet that when — he names the Minister of Community Services — the minister's motion is debated, it should be amended to remove — again, that minister — from the committee's membership. A Liberal private member should be named instead. The Minister of Community Services' — who he names here — views, experience, and expertise will not be lost to the committee — as, of course, he goes on to say that we could have him provide expert testimony to the committee or testimony to the committee at some time.

Again, focusing in on this amendment alone, we believe that it strengthens the work of the committee. As I mentioned, as a former minister who sat on Public Accounts — it was chaired by the Member for Whitehorse Centre, the Leader of the Official Opposition at the time. I remember specifically having to recuse myself from specific hearings that had to deal with one of the portfolios that I was responsible for. I think that the logic that is put forward by Dr. McCormick, in his role as former Clerk of this Assembly and a private citizen now, should bear out with the Liberals' consideration of this.

Again, we decided in this amendment to name the replacement because the Liberals decided in their original motion to name the member who was being put on there rather than having the membership discussed among the leaders of the various parties as we move forward.

I think those are important points that I just wanted to highlight before we move on to vote on this amendment.

**Hon. Mr. Pillai:** Mr. Speaker, I think I would just like to correct the record on a few points.

First and foremost, the Member for Copperbelt South just identified the fact that there was some concern about the fact that the motion had been tabled and that there wasn't a lot of discussion previous to that. I think I would just like to point out that we have seen motions tabled by the opposition over the last two days, time and time again. We have a number that have been associated with them, but we actually haven't even had an opportunity to hear them read into the record what the motions are — so, really, pot see kettle.

The other point I think I would like to make is that today is a great example of a situation where — what we heard publicly was that we were all coming in for the longest Sitting ever. We were going to get down to work. I have sat here for three days and listened to, in most cases, the Member for Lake

Laberge touch on the fact — using words such as “holiday” and saying that people weren't at work. That is a disservice to all 19 members of this Legislative Assembly. The Official Opposition, I know — and even the Member for Lake Laberge — has represented their ridings, they have worked hard — whether in Watson Lake or in Riverdale — and everyone has come together. When someone comes in to gain political points and tries to characterize the work of the entire Assembly as —

**Some Hon. Member:** (Inaudible)

#### Point of order

**Speaker:** The Leader of the Official Opposition, on a point of order.

**Mr. Hassard:** Mr. Speaker, I don't believe that I have heard the Minister of Economic Development refer to the amendment at all in this speech, I guess, that he's giving us.

**Speaker:** The Minister of Energy, Mines and Resources, on the point of order.

**Hon. Mr. Pillai:** So, again, here we are at a point where — you know, I think —

**Some Hon. Member:** (Inaudible)

**Hon. Mr. Pillai:** It's on the point of order.

It was the starting points. I will speak to the amendment. As was stated by the Member for Lake Laberge, I'm using nothing other than standard practice of the Legislative Assembly as we've seen.

Again, Mr. Speaker, it is hard to hear — the disrespectful Member for Whitehorse Centre continues the activity that we've seen for the last three days.

Again, there's no point of order here. I will get to the point on it — just the original piece, Mr. Speaker.

#### Speaker's ruling

**Speaker:** Order, please.

Members will know that Standing Order 35(b) is a modifier, which, with some degree of — by parliamentary standards — surgical precision, limits debate on amendments, and it's fairly prescriptive. It says, “When taking part in a debate on an amendment to a motion... (b) a member, other than the mover, shall confine debate to the subject of the amendment.”

This amendment is pretty discrete. It has a fairly specific purpose. So, although there could be some background commentary which a Chair might see as being somewhat irrelevant, in this case, the amendment is fairly specific. So, I would ask the Minister of Energy, Mines and Resources to be fairly confined in the comments with respect to the motion that we're currently debating, which is, as I understand it, to substitute one Member of the Legislative Assembly on a committee in favour of another Member of the Legislative Assembly.

**Hon. Mr. Pillai:** With respect to the amendment and also to the argument put forward by the Member for Copperbelt South, I would say that the prerogative or the perspective of the opposition in the particular case that they used as an example — be it the standing committee around fracking — was that the

minister of the day of Energy, Mines and Resources did not have a particular position within that structure because they felt that they were the lone minister who had the responsibility for that particular activity.

I would say, again, that is a prerogative of the opposition. I think most Yukoners who you spoke with — if you said that a particular activity also would fall under the guise of — the work and the responsibility of — the Minister of Environment — it's just the prerogative of one particular party. We know strongly what the view is there.

So in this particular case, I would say that having the Minister of Environment sit and oversee that select committee is no different from what has been put forward here today. Again, I would say, with response to this — really, you know what, I will limit it. The opposition is getting excited about this — and really, very simply, I think we want to — let's just get to work. I don't think anybody — no, we appreciate it. We appreciate two to three hours of a speech — you want to hear a speech — we heard the speech, is what I would say to the Member for Pelly-Nisutlin. Let's just get to work. Let's get back down to the budgets. That's what we heard for two or three months: "Let's get to work." Well then, let's get to work. I think anybody listening today — the public servants know — that again, political ploys. Let's get to work. Let's get the questions going.

**Some Hon. Member:** (Inaudible)

#### Point of order

**Speaker:** The Leader of the Official Opposition, on a point of order.

**Mr. Hassard:** I think this is the second time now that the Minister of Economic Development seems to be off on some tangent a long way from the amendment.

#### Speaker's ruling

**Speaker:** He's finished, but I take the Leader of the Official Opposition's point that the minister was beginning to stray as he finished his comments.

Is there any further debate on the proposed amendment?

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:** Disagree.

**Hon. Ms. McPhee:** Disagree.

**Hon. Ms. Frost:** Disagree.

**Hon. Mr. Pillai:** Disagree.

**Mr. Adel:** Disagree.

**Mr. Hutton:** Disagree.

**Hon. Mr. Mostyn:** Disagree.

**Hon. Mr. Streicker:** Disagree.

**Hon. Ms. McLean:** Disagree.

**Mr. Gallina:** Disagree.

**Mr. Hassard:** Agree.

**Mr. Kent:** Agree.

**Mr. Cathers:** Agree.

**Mr. Istchenko:** Agree.

**Ms. Van Bibber:** Agree.

**Ms. McLeod:** Agree.

**Ms. White:** Agree.

**Ms. Hanson:** Agree.

**Clerk:** Mr. Speaker, the results are eight yea, 10 nay.

**Speaker:** The nays have it. I declare the amendment defeated.

*Amendment to Motion No. 212 negatived*

**Speaker:** Is there any further debate on the main motion?

**Ms. Hanson:** This has been a protracted and kind of disappointing turn of events in terms of what could be and what should be a constructive discussion about how we, as a Legislative Assembly, review a piece of legislation that, over the course of the last seven months, has had a significant impact on all Yukon citizens — not just Yukon citizens but Yukon businesses and people who wanted to come and visit and to enjoy our territory.

I understand the intent of the Minister of Community Services — the minister responsible for the *Civil Emergency Measures Act* — in his putting forward this motion, because he is experienced as the minister responsible — as he said repeatedly in the many public statements in conjunction with his Cabinet, with the obligations and responsibilities that fall to the minister under the current *Civil Emergency Measures Act*.

I think what we've heard this afternoon, Mr. Speaker, is that there is and has been an expression of significant frustration with the fact that the way the interpretation — the way the act has been invoked and acted upon has effectively excluded the voice of all members of this Legislative Assembly by saying that it was solely the purview of the Yukon Cabinet with respect to making decisions that affect all Yukoners, when in fact it is the responsibility — without any legislative oversight — without any legislative oversight on the many orders-in-council pursuant to CEMA that have been passed and the many, many, many millions of dollars that have been expended. That's part of our duty — that's our responsibility and our duty — to hold government to account.

I heard the frustration being expressed by the Member for Lake Laberge with respect to efforts that were made by — whether it's the Official Opposition or the Leader of the Yukon New Democratic Party or me as an MLA — a member of SCREP — to get that committee to meet — because we had taken to heart some of the language and some of the suggestions made by the former Clerk of the Legislative Assembly when he wrote to us all in April, when he said that this is an incredibly important time and that you have an obligation and a responsibility as Members of the Legislative Assembly — all of you — to hold government to account.

He gave us a number of ideas and a number of suggestions. He reinforced every time, Mr. Speaker, that — as we've heard here and we've heard over the last number of months — these are unprecedented times. That's very, very true. But he also pointed out that, because these ministerial orders are being put forward pursuant to CEMA, the orders-in-council and the ministerial orders are not publicly debated before they take effect. But the Standing Committee on Statutory Instruments, or SCREP, have the authority to examine those orders-in-council. He urged this Legislative Assembly — all members — he said that you have the power. If you say the rules aren't there now, you have the power to change those rules. That's where the frustration and anger I think I've heard expressed this afternoon was coming from — it was because there was absolute unwillingness to have that discussion — even to have the discussion — as to whether or not it was advisable for us to change those rules as Members of the Legislative Assembly — as members of those duly constructed committees of this Legislative Assembly — to consider it.

Mr. Speaker, I truly do believe that we do need to review this legislation. But I think, as I said earlier, that there has been a conflating of the kind of issues that we're talking about. On one hand, it's almost a hearing on how the government has performed under CEMA — and I don't think that's what the minister intended to put forward here. I think that probably will happen at some point, but as we all know, the pandemic is not over. The minister is responsible until —

**Some Hon. Member:** (Inaudible)

**Ms. Hanson:** If the Premier doesn't agree with me, that's fine. He can say so. But I am trying to make a point here with respect to the motion that was put forward by his minister with respect to setting up a special committee on the *Civil Emergency Measures Act* — the legislation.

I have said that I do support this. But I want it to be done in the most democratic way. I want Members of the Legislative Assembly to feel that they are empowered to lead this. It's not Cabinet leading this. That's the challenge that I think we have faced. In any conversation that we have — if we raise a question, Cabinet is making this decision. Well, yes — but you know what — there is a need for oversight.

So, Mr. Speaker, I think that there's an opportunity here to achieve the objectives that the minister has set out and to provide that broader democratic process. Therefore, Mr. Speaker, I would like to propose an amendment.

*Amendment proposed*

**Ms. Hanson:** I move:

THAT Motion No. 212 be amended by:

(1) deleting the words “the Hon. John Streicker” and inserting in their place the phrase “a private member from the government caucus”;

(2) deleting the phrase “THAT the Leader of the Official Opposition and the Leader of the Third Party” and inserting in their place the phrase “THAT the leaders of each caucus”; and

(3) inserting the phrase “THAT the Hon. John Streicker appear as a witness before the committee;” after the words

“THAT the committee have the power to call for persons, papers, and records and to sit during intersessional periods”.

**Speaker:** There is a proposed amendment on the floor by the Member for Whitehorse Centre.

Do members wish for some time to discuss the proposed amendment?

**All Hon. Members:** Agreed.

**Speaker:** There will be a 10-minute recess.

*Recess*

**Speaker:** I will now call the House to order.

There is a proposed amendment on the floor by the Member for Whitehorse Centre.

It has been moved by the Member for Whitehorse Centre:

THAT Motion No. 212 be amended by:

(1) deleting the words “the Hon. John Streicker” and inserting in their place the phrase “a private member from the government caucus”;

(2) deleting the phrase “THAT the Leader of the Official Opposition and the Leader of the Third Party” and inserting in their place the phrase “THAT the leaders of each caucus”; and

(3) inserting the phrase “THAT the Hon. John Streicker appear as a witness before the committee;” after the words “THAT the committee have the power to call for persons, papers, and records and to sit during intersessional periods”.

I am looking at the main motion and I think I see where numbers (1), (2), and (3) would respectively go. Are members satisfied that they know where they would go so that I will not be reading the motion as it would read if amended?

Are you agreed?

**All Hon. Members:** Agreed.

**Speaker:** The Member for Whitehorse Centre, on the proposed amendment.

**Ms. Hanson:** I believe I had set out, in moving the motion, my rationale for doing so. I do it with respect for the fact that the minister responsible for CEMA — as well as in his other role as Minister of Community Services — has had significant experience over the last seven months with respect to the operational difficulties and inefficiencies — challenges, perhaps — I don't know what they are because I am not the minister, nor have I had to deal with CEMA. But I understand that, when you have any piece of legislation that goes back 50-plus years, there are going to be changes that we need to do and that we will learn from the experiences of the past seven months and from other jurisdictions — again, because the body of this motion remains the same in terms of being able to call expert witnesses, being able to address matters with respect to modern forms of civil emergency legislation across this country that would inform the operations and the work of this committee.

I think that the fundamental difference that we are proposing through this amendment is that we are empowering Members of the Legislative Assembly, as opposed to Cabinet, to guide the work of the Legislative Assembly — which, for

wont of a better word, empowers members as opposed to neutralizing them.

Secondly, it does recognize — as I have alluded to — that the minister responsible for the *Civil Emergency Measures Act* will have developed — through his experience in being the one ultimately accountable for that legislation — information, views, and suggestions as to how that legislation could be most effectively amended or changed — substantively, perhaps — maybe it is not simply an amendment — with respect to the future — because I think that is the issue here, Mr. Speaker. We are not talking about how CEMA is operating right now. That is not going to be the outcome of this special committee of this Legislative Assembly.

We're talking about the CEMA, the Yukon civil emergency legislation for the future. The minister is going to have ongoing responsibilities during this pandemic for the current legislation — that's a given — so the committee will benefit from his expertise as a witness, but I think it would be highly inappropriate for the minister to be on that committee. As I said before, the Legislative Assembly is Members of the Legislative Assembly. The minister has a special role in that; that's great. He can be an expert witness.

I really do hope that the government side will support what we're trying to do here, which is to facilitate getting this going. To quote the Minister responsible for Energy, Mines and Resources — to get to work on it. Let's do it.

**Mr. Hassard:** I would like to thank the Member for Whitehorse Centre for her amendment as I certainly agree with the importance of what she has proposed here.

In my mind, if it's a Liberal minister on this committee and especially if it's the Minister of Community Services who leads this review of the *Civil Emergency Measures Act*, it essentially equates to the Liberals writing their own report card, and I don't believe that it would be scrutiny in any way, shape, or form.

To me, that's window dressing, and it's even cynical damage control by the Liberals who have been called out by hundreds of Yukoners for refusing to let this Legislature do its work.

Mr. Speaker, let's be clear. Despite the merit of any individual measures brought in by the government under the *Civil Emergency Measures Act*, they all deserve scrutiny and debate because that's how democracy works. We've heard the Premier on the radio where he in fact said that the Liberals don't need democratic oversight. Honestly, I was a little shocked to hear such comments come from a leader anywhere here in Canada, because that typically is the sort of thing that you would hear from a politician in a country that doesn't actually have a working or functioning democracy.

That again brings me back to the membership of this committee. It appears that they want to control and rig the process by putting the lead minister for the CEMA review in the hands of the government. They don't feel that they need to be questioned. In fact, it appears that they think they only have the right to question themselves.

We need to make sure that we can objectively look at these issues and not be influenced by the whims of the Liberal

Cabinet. You know, if the Minister of Community Services sits on the committee and refuses the decisions made by the Liberal Cabinet of which he is member, that will be tainting and undermining the whole process. It removes the legitimacy of the process and the work of the committee.

Mr. Speaker, in fact, not only should the Minister of Community Services not sit on the committee, he should appear as a witness to the committee, as the Member for Whitehorse Centre has said. I think that his input would need to be, and should be, considered by the committee.

Perhaps the reason that the Liberals have proposed the Minister of Community Services as a member of the committee, rather than as a witness is because they don't want him to be scrutinized or have to answer questions of the committee. This would certainly be consistent with their approach and disdain for democracy, but it really is wrong.

I too would like to quote from the former Clerk of the Assembly who, when he recently tweeted on this topic of the membership of the committee, stated that the Minister of Community Services should not be on the committee. He goes on to state that the Yukon Legislative Assembly has appointed ministers to small select committees before, but it should abandon this practice. He states that it should only appoint ministers to committees where party balance is necessary, and it isn't necessary for a three-member committee.

Now, it's interesting that the Premier thinks that this a joke, because this is democracy and this is how our country works. It's pretty disappointing to see that the Premier thinks that this is in fact a laughing matter or some sort of a joke.

Mr. Speaker, to continue with the former Clerk's line of thinking, he says that committees exist to help us, as legislators, hold the government and the Cabinet accountable —

**Some Hon. Member:** (Inaudible)

**Mr. Hassard:** The Premier does have his own opportunity to stand up and speak, but he can wait until I'm finished and then I would be happy to listen to what he has to say.

Mr. Speaker, how can we do that if a member of the committee is actually a member of Cabinet? It simply won't work. I am sure that the government thinks that it is totally fine to hold themselves to account, but unfortunately for them, that's not how accountability works. In fact, the former Clerk talked about accountability in committees and said, "That is harder to do when a minister is on the committee. A minister can't — and shouldn't — as a committee member, hold their fellow cabinet ministers accountable..."

Again, he goes on to state that the committee will have to consider government actions so far, including the ministerial orders that the minister has issued under CEMA. The committee cannot de-personalize its process if the minister is on the committee.

Finally, the former Clerk made a really good point about whether or not this committee should have the minister on it, especially while the same minister is still out there making decisions under the *Civil Emergency Measures Act*. I think that they are really important points and speak to the importance of the membership of the committee and whether or not a minister

can be a member of this committee, which, of course, I believe he shouldn't be.

Again, I will just quote the former Clerk: "... the pandemic isn't over and may last throughout the committee's mandate..." The minister "... shouldn't be in a position of exercising authority under CEMA..."

Again — and I quote: "... while participating in a review of that authority, the government believes..." — the minister's — "... responsibility for CEMA means he should be the Liberal on the committee. But responsibility for the act and involvement with government decision-making are reasons to leave..." — the minister — "... off the committee..."

Finally, Mr. Speaker, as Chair of the Public Accounts Committee, I am in a unique position where I can speak with some expertise from that committee's perspective. Over the years, obviously, there have been many instances where ministers have been on the Public Accounts Committee and the committee has looked at issues regarding ministers' portfolios, but in those instances, every time, the minister has recused themselves. That is because of conflicts of interest. I have been on that committee for nine years now, Mr. Speaker.

We understand that it would taint the process, it would wreck the outcome, and it would wreck the legitimacy of the whole process of Public Accounts. In this instance, when we are talking about a review of the *Civil Emergency Measures Act*, it would certainly rig and taint the process as well. So the minister simply cannot be on the committee, as it would interfere with the legitimacy of the entire committee.

If I could just jump back to the former Clerk for a minute — he said — and I will quote again: "A Liberal private member should be named instead." That is exactly what this amendment has spoken to.

The former Clerk goes on to state that the committee can invite the Minister of Community Services to appear before it so as to discuss the review of the *Civil Emergency Measures Act*. If he were to do that, he could obviously explain why the Liberals refuse to recall the Legislature. When he appears before the committee as a witness, we would certainly welcome hearing that.

With that, I would just like to reiterate why I support this amendment. I think that it greatly improves the flawed, rash, and ill-thought-out original motion brought forward by the Minister of Community Services.

Thank you for the opportunity to speak to this amendment this afternoon. Again, thank you to the Member for Whitehorse Centre for bringing it forward. I will certainly be voting in favour of this amendment.

**Mr. Cathers:** I am pleased to speak in favour of this amendment brought forward by the Member for Whitehorse Centre. I would note on this that, although there are many areas where, philosophically, we see things differently from our friends in the NDP, when it comes to this issue, we are very much in agreement that some of the democratic principles at play with regard to the process of this need to be respected.

As I noted in my remarks — and as a number of my colleagues have noted — this is not simply a case of elected

representatives speaking but also a case in which the former long-time Clerk of this Assembly, Dr. Floyd McCormick, in his current capacity as a private citizen, has made his views known, with some very reasoned and reasonable comments on this committee, including his remarks that — as I think anyone who read them would agree — are balanced in nature. They acknowledge the benefit of the committee while criticizing some of the problems with the committee's structure — most notably in his remarks regarding the fact that the proposal to have the Minister of Community Services — the original wording of Motion No. 212 proposes to have the Minister of Community Services on this committee, which is a significant departure from past parliamentary practice with matters related to committees such as the Public Accounts Committee and the long-standing principle which until now has been unchallenged and undisputed by any party in this Legislative Assembly that, when ministers are sitting on Public Accounts, if their department comes up for review, they should recuse themselves to preserve the process.

This is a very similar matter where — and the amendment brought forward by the Member for Whitehorse Centre does nicely acknowledge the fact that the Minister of Community Services could provide insight that would be valuable to the process in the committee. Then, no doubt, if this amendment passes, having the Minister of Community Services appear as a witness before a committee will help the committee to understand why decisions were made regarding the dozens of sweeping ministerial orders, what the process was in coming to the decisions government made, and understanding what the inner workings were of that. It would no doubt — assuming this were to pass — place members of the committee in a better position to understand why Cabinet made the decisions they did, why the minister — as lead minister on this file — took the actions he did, but without being in the fundamental conflict that occurs when asking the minister to scrutinize his own actions and assuming that he be unbiased in doing so — or even having any member of Cabinet sit on this committee, since the decisions made regarding the pandemic — while of course I was not party to nor made aware of the Cabinet discussions that occurred, I would assume that many of the decisions made throughout the process were made by Cabinet collectively and that any member of Cabinet therein could face a real or perceived conflict between their oath of Cabinet confidentiality, the expectation that they support Cabinet decisions, and the expectation that sitting in a seat on a committee would place upon them to work on behalf of the Legislative Assembly in a manner that allows them to independently scrutinize and consider those decisions and make recommendations.

Again, as I've stated — as a number of my colleagues on this side of the floor have noted in their own words — there is in fact a situation that, regardless of the intention of this process, by the very nature of looking at modernizing the *Civil Emergency Measures Act* and making recommendations on the possible amendments, Yukoners who come forward are going to want to talk about what happened during the pandemic. They're going to want to talk about the impact of ministerial

orders that they disagree with. In some cases, I would speculate that they will probably bring forward their views on where certain decisions made by government may have been helpful. But we know already — based on what Yukoners have said publicly in letters to the editor, in comments on public forums, and most notably in the fact that a number of Yukon citizens are taking the government to court right now over the legality and constitutionality of the *Civil Emergency Measures Act* and the decisions made by this Liberal government under it — we know that there are people who have very serious concerns with the decisions that were made, and they will no doubt, if given the opportunity for public input, bring forward their views that will in effect amount to a review of the government's decision under the *Civil Emergency Measures Act*. Because without talking about what's working and what isn't working or what has worked and what hasn't worked under the *Civil Emergency Measures Act*, it's not really possible to have an informed discussion about where things can be done better going forward.

So, Mr. Speaker, fundamentally, in speaking to this proposed amendment to the motion, I support — as do my colleagues — the proposal brought forward by the Member for Whitehorse Centre. We agree that there is value in the Minister of Community Services appearing as a witness before the committee and hearing his explanation for why decisions were made will better inform the process.

We also — as members will recall, while I had proposed a different approach to replacing the minister — fundamentally, the heart of the intent that I had in proposing the previous amendment is not really different from what the Member for Whitehorse Centre is driving at through this one — that of moving the Minister of Community Services off the committee, replacing him with a government private member — who is, of course, not a member of Cabinet — and ensuring that the process is better for it.

We have seen, throughout this year, a number of cases where long-standing practices have been departed from by the current government. We have seen, as well, concerning behaviour which includes — when the Legislative Assembly wasn't sitting, the government — despite having previously promised not to seek an increase of the debt limit — doubled the debt limit —

**Speaker:** Order, please.

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

*Debate on Motion No. 212, and the amendment, accordingly adjourned*

*The House adjourned at 5:30 p.m.*