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HANSARD

Tuesday, October 27, 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

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

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

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New Democratic Party

Kate White	Leader of the Third Party Third Party House Leader Takhini-Kopper King
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Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, October 27, 2020 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Mr. Gallina: I would like members to welcome my lovely wife, Sarah Gallina, who has joined us here today for our tribute to Breast Cancer Awareness Month.

Applause

Speaker: Are there any tributes?

TRIBUTES

In recognition of Breast Cancer Awareness Month

Mr. Gallina: I rise today on behalf of the Yukon Liberal government to pay tribute to Breast Cancer Awareness Month.

Mr. Speaker, breast cancer is still the most common cancer in the territory, and I think that we have all known someone affected by this. A cancer diagnosis of any kind has an incredible impact on the person, and on their families and friends. Many of us here have a story about someone they know who has battled cancer. Today, I am giving this tribute to someone who has been deeply impacted by breast cancer, and I will take this time to celebrate my Auntie PJ.

When PJ came into my life, she had been battling breast cancer for a number of years. Through a strong will, healthy relationships, and an unwavering desire to live, she fought the terrible disease into remission. It was during this time of inner peace with PJ, that I saw someone blossom into a radiant, beautiful woman with strength and conviction — someone who cherished every breath of every day. She was an inspiration to anyone she came into contact with.

I remember this time with her. My daughters were toddlers then, and my wife Sarah and I were discovering the treasures of our growing family. Our days with PJ were filled with stories by candlelight, scavenger hunts for all sorts of odd and unique treasures, music and costume parties, tasty food, and laughs — lots of laughs.

As many as one in eight Canadian women will develop breast cancer, and when you consider the number of people who this affects, the impacts of this disease are far-reaching. I believe that Yukon's response to breast cancer support is one of the shining examples of what makes this such an amazing territory. There are the dedicated health care professionals who support cancer patients through their journey, and share the suffering and the successes with their families. Thank you to all of the people who have chosen a career in the health care field.

Your work is important and the support that you provide truly matters.

Then there are the volunteers who coordinate the annual Run for Mom fundraising event. It was different this year, but the organizers put together an excellent virtual option, which is a tribute to the tenacity of these humans.

There is also the Hospital Foundation, which fundraises all year for the cancer care fund. As you heard in tributes yesterday, the work that this team does is incredibly important and it is so appreciated by Yukoners across the territory. Supporting Yukoners to be at home as much as possible is so important and means so much to cancer patients and to their families.

Early detection is another important aspect of cancer treatment and support. There are hard-working organizations in our community helping women to get informed and access the information that they need. The Yukon Sexual Health Clinic and Yukon Women's MidLife Health Clinic are two such organizations, and I want to thank them for the important work that they do.

When you or a family member are diagnosed with cancer, it is devastating. I am so grateful to our community for all that they do to promote a feeling of hope and love for everyone who experiences this.

Mr. Speaker, on October 31, 2012, PJ passed away from the disease that came out of remission. Earlier that night, just as Sarah and I were getting ready with the girls to trick-or-treat with friends, we got the call — the call from family to say that PJ was passing on and that, in her last moments, they felt that PJ would love to hear our voices — especially those of the little Gallina girls who had become so fond of PJ and her quirky and beautiful ways. So, there in my living room, Sarah and I watched three little munchkins dressed as a lion, a tiger, and a monkey say their goodbyes. At that moment, I know that the girls were playing one of their games with her — how fitting. I'm not sure that my girls really understood how special that conversation was, but I know that PJ did.

To this day, my family still finds little treasures of inspiration around our house that were left for us as a way for someone who has passed on to reach out and say hello. My favourite is one that I recently discovered that said, "Paolo, be a man, and skip." I do, Mr. Speaker. I do.

To those we have lost to breast cancer: We miss you and we love you. To Yukoners who have survived breast cancer: You are so strong. To those battling cancer today: We are with you and we send you strength. To all: We do share your experience, and we hold our hands out to you and we support you.

Applause

Ms. McLeod: I rise on behalf of the Official Opposition to recognize October as Breast Cancer Awareness Month in Canada. Breast Cancer Awareness Month is important because, while we are all aware that breast cancer exists, not many are aware of just how many women it affects.

Many of us know someone or numerous people in our communities, families, or circles who have been touched by

this disease. For those who visualize through numbers, the statistics around breast cancer are staggering. Breast cancer represents 25 percent of all new cancer cases diagnosed in Canada in 2020. It is estimated that 27,400 women will be diagnosed with this disease, and it is expected that 240 men will be diagnosed as well.

Further incidence and mortality statistics are just as daunting, and it's a scary and confusing time for those who are newly diagnosed with cancer. We are fortunate here in the Yukon to have a wonderful team of professionals who have your back, and they deserve our thanks and our recognition. The cancer care coordinator is a hospital staff member who helps individuals and families navigate their journey, from answering questions to finding resources and helping you understand tests and treatments. Of course, we hear often how the staff at Karen's Room are tremendous through chemotherapy treatments.

Mr. Speaker, I would also like to give thanks to those who work year after year to fundraise for a great cause. Karen's Fund was created in October 2000 in memory of Karen Wiederkehr, who passed away at age 37 due to breast cancer. The fund provides a financial gift to women undergoing treatment for breast cancer to help them cover out-of-pocket costs. This is a wonderful way that we as Yukoners can donate to help other Yukoners directly with financial stresses that they face. Please see how you can contribute to such a great cause.

Applause

Ms. White: I rise on behalf of the Yukon NDP caucus to acknowledge October as Breast Cancer Awareness Month. There isn't a single person in this House who has not been touched by breast cancer — whether it be a mother, sister, co-worker, friend or a brother, we all know someone. Yukon, as in the rest of Canada, one in eight women will be diagnosed with breast cancer. The good news, however, is that fewer women are dying from breast cancer and some of those reasons include earlier detection through regular mammography screening and advances in screening technology and improved treatments that lead to improved cures and outcomes.

We're fortunate to live in a place where we're surrounded by go-getters and visionaries — people who see a problem or a need and, instead of sitting back and feeling despondent, they tackle the problem head-on and figure out the best way to help. These same folks knew that money raised in Yukon for breast cancer prevention and awareness could stay in Yukon to directly help Yukoners, and they took the steps to make that happen. With successful fundraisers like the Run for Mom and Mardi Bra, when possible, money that is raised in the Yukon stays in Yukon and is directed where it will do the most good.

We wish to thank all those who donate their time, energy, and resources to support those facing the challenge of breast cancer. Thank you to the many, many people who continue to fundraise, volunteer, advocate, and support those living with and fighting breast cancer.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Mostyn: I have for tabling a legislative return responding to a motion for the production of papers from the Member for Porter Creek North regarding 22 Wann Road.

Speaker: Are there any further 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?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House congratulates the Saskatchewan Party, the British Columbia New Democratic Party, and the Progressive Conservative Party of New Brunswick in recently forming majority governments in their respective provinces; and

THAT this House congratulates the Kwanlin Dün First Nation, the Little Salmon Carmacks First Nation, and the Carcross/Tagish First Nation in successfully holding leadership elections.

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

THAT this House urges the Premier to explain why the *Yukon Parks Strategy* says that the government completed a review of all fees and fines across government, but when access to information requests are submitted requesting copies of the review, the government claims that it does not exist.

Mr. Hassard: I rise to give notice of the following motion for the production of papers:

THAT this House do issue an order for the return of the review of all fees and fines across the Government of Yukon that was completed by the Department of Finance as referenced in the *Yukon Parks Strategy*.

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

THAT this House supports the additional funding for disability services in response to the COVID-19 pandemic.

Speaker: Are there any further notices of motions?

Is there a statement by a minister?

MINISTERIAL STATEMENT

2020 Yukon Agriculture Policy

Hon. Mr. Pillai: Mr. Speaker, I rise today to speak about the new 2020 Yukon Agriculture Policy, Cultivating Our Future.

Where would we be today without our farmers across this country and close to home? Through the past months, with all

the challenges thrown at us during the COVID-19 pandemic, we have seen a strong supply chain stay intact. I would like to thank the members of our farm community for their hard work during this difficult time.

Locally raised and grown products have been available through many retailers and restaurants. These include brown free-range eggs from the Little Red Hen Eggs from Al and Cathy Stannard; a wide assortment of meats from Yukon Born and Raised Meats; local pork at Bigway and other locations from Fox Ridge Farm — Kathy and Collin Remillard; potatoes and carrots and other veggies from Yukon Grain Farm — Steve and Bonnie Mackenzie-Grieve and their whole team; herbs and other greens from ColdAcre; veggies from Sarah Ouellette; out on the Klondike Highway, you will find Tum Tum's Meats; and further up the highway in Dawson, BonTon Butcherie and Charcuterie; and cheeses from Klondike Valley Creamery.

There was also a wide variety of locally grown products available at the Fireweed Community Market this summer from producers, including: Celestial Greens; Circle D Ranch; Elemental Farm; Frost Hardy Farm; Icy Waters; Redpoll Farms; Sundog Veggies; Takhini River Ranch; the Farm Gate; and Yukon Gardens. I would like to say a big thank you to Yukoners for supporting local farmers and for shopping local.

In support of the agricultural community this past summer, we launched the Cultivating Our Future: 2020 Yukon Agriculture Policy. We made the announcement at Yukon Gardens, where Lorne and Kelsey Metropolit have a fantastic greenhouse operation. This new policy is the result of several years of work in consultation with agriculture industry representatives, First Nations, and the public. I would like to thank everyone for their hard work on this plan and their hard work to plan, discuss, and write this new policy. The result of this will guide our work to further develop the agriculture industry for Yukon from now until 2030. Cultivating Our Future outlines how the Government of Yukon will support the continued growth of Yukon's agricultural industry and our ability to be more self-sufficient in food production over the next decade.

Who would have known when we got down to work on this policy that Yukon and the world would now be looking at unprecedented changes in the way we operate our economies and our day-to-day lives? Work on our Cultivating Our Future policy started well prior to the COVID-19 pandemic, but the implementation of this policy provides an opportunity to examine how we live, how we do business, and how we produce food, especially at the local level. We know that Yukoners have a strong interest in local food production and eat locally.

Recent events surrounding the closures of borders and impacts on large-scale food production have only increased the interest of Yukoners in developing our capacity to produce food in our territory and in our own backyards. There is tremendous interest in local food and local markets. Yukon's capacity to produce food is growing. We have beef, dairy, hog, and poultry operations, and an emerging sheep and goat industry. We have market gardens and we have value-added producers making

items such as birch syrup and preserves. We have community- and First Nation-based farms and greenhouses.

We want this capacity and the related economic development opportunities surrounding local agriculture to continue. That is what the Cultivating Our Future policy is about — planning for the future of Yukon agriculture. I sincerely thank everyone for participating in the process of creating this policy and those who will participate in making its vision a reality over the next decade.

Mr. Cathers: I am pleased to rise today to respond to the ministerial statement about the updated agriculture policy. I would like to begin by thanking the farmers, market gardeners, and processors, as well as other businesses and people who contributed to the development of this updated policy — and, of course, thank the department staff for their work on it.

I remember a time, not so many years ago, when the Yukon's agriculture sector was not treated seriously by some. Today, through the determined work of Yukoners, the production of locally grown food and other agricultural products has increased substantially, and Yukon-grown food can be found in grocery stores, at community markets, in restaurants, and through farm-gate sales.

During the early weeks of the pandemic, disruptions to supply chains resulted in shortages of some products in our grocery stores — including foods, in some cases — but I was happy to see that Yukon Grain Farm potatoes, Little Red Hen eggs, and other locally grown foods were reliably found on store shelves.

I would like to thank Steve and Bonnie and Al and Cathy for that, as well as to acknowledge some of the many other farmers and processors who produce the food we rely on in the territory — including Fox Ridge Farm, Sarah's Harvest, Circle D Ranch, Yukon Born and Raised Meats, Sundog Veggies, Takhini River Ranch, the Farm Gate, Sourdough Sodbusters, Yukon Gardens, Celestial Farms, Heart Bar Ranch, the Stockleys, Aurora Mountain Farm, C&D Feeds, the Feed Store, ColdAcre Food Systems, El Dorado Game Ranch, Horse Haven Ranch, Dusty Trail Yukon, M'Clintock Valley Farm, LeBarge Ranch, Ibex Valley Greenhouse, Nielsen Farms, Tum Tum's Black Gilt Meats, and Sunnyside Farm — to name but a few of the farmers who provide food products and supplies that are relied on by our farming sector, as well as market gardening.

I would just like to thank all of them for their work, because without — while an agriculture policy is important, ultimately, the reason that we have a successful farming sector is the hard work of Yukon citizens.

We are pleased to see that the government has continued to work with the agriculture sector — building on work that we did in government, including the 2006 agricultural policy and the local food policy. We support the four main objectives of the policy and many of the goals within it.

I am pleased to see the inclusion of the reference to the farm code in this, as well as the commitment to investigate joint agricultural land preparation with Yukon First Nations, to name but a couple of the topics, but I do need to highlight a few

problems with it, as well as risks to the future success of the agriculture industry.

First among these, is a matter separate from the policy, but very integrally connected to the success of farming. There is a need for farmers to have access to commercial waste disposal at affordable, predictable rates. This summer, that ended. I wrote to two ministers about this, and I am pleased that there was some action, but the action does not go far enough. It may not result in resumed service and it is resulting in unpredictability for our farming sector and the industry that supported them.

I am pleased, as well, in this, to see the mention of the right to farm, but we also see risks to the value of that title, including the government's reference to the environmental farm plans and the new manner in which they intend to apply them in this policy, as well as a draft wetlands policy, which poses a risk to the certainty of farm, of title and your ability to use your land.

We have also seen other problems that the government has not taken action on, including the problem with their fuel tax rebate, which I have raised with the Premier but have not seen action on. We see as well that the carbon tax increased the cost of feed, fencing, and building supplies without providing farmers the ability to get that money back through a rebate. That has simply increased the cost of farming.

Again, generally we are supportive of the policy, but I would encourage the minister and his colleagues to take the issues that I have raised very seriously, because they are important to the success of this sector.

Ms. White: As the planet changes, food security has never been more important for Yukon than it is today. We see Yukoners from all walks of life and experiences turning toward the land, looking for solutions to help make us more self-sufficient.

The agriculture industry in Yukon is unlike any other industry. Yukon farmers celebrate the accomplishments of their neighbours. It is truly special to see folks freely sharing their own experiences in an effort to ease the learning of others. A few years ago, the minister — the Member for Lake Laberge — and I were on a tour set up by the Agriculture branch. The three of us were walking toward outbuildings with a farmer and talking about challenges that the farmer faced. The cost of power was highlighted. I asked why the rate of power for some industries like mining, which they have access to, is not available to farms, so I hope that the minister might be able to give us an update in his closing remarks as to whether or not changes are being considered.

This summer, I had the pleasure of visiting community farms across the territory. I visited the decades-old community garden run by Alice Boland for the Little Salmon Carmacks First Nation, and I met with Chief Angela Demit, who spoke with hope about a greenhouse project in Beaver Creek that the White River First Nation would love to see succeed. I saw the work being done in Haines Junction, Mayo, Dawson City, and here all around Whitehorse, and it is so exciting.

The Fireweed Market and the many community markets across the territory are always special events. Their meaning is

much deeper than the transactions that take place at these markets. The connection between producers and consumers often turns into friendships, and it is those relationships that bring everyone involved closer to the land and the people involved in producing the food that we all need and appreciate.

I would also like to salute the many people in the restaurant and the hospitality industry who have partnered with local producers to bring Yukon's products to their clients. This kind of cooperation is invaluable to farmers and has allowed Yukoners and visitors alike to experience an ever-increasing variety of local products.

I look forward to experiencing first-hand where Yukon farmers take us.

Hon. Mr. Pillai: In response to the questions and comments, the member opposite spoke about the fact that this policy didn't focus on the success of farming and talked a bit about the right to farm and some of the challenges that we have had lately around garbage disposal.

First, I'll say that the garbage disposal is not identified in our strategy. This is something that's new. I know that my colleague, the Minister of Community Services, has been working diligently with another level of government that is a major player within this.

I think it's important — I'm going to quote the president of the Agricultural Association because, really, what this speaks to is the fact that the Agricultural Association — what's key, even though there is a bit of challenge to some of the aspects of the strategy, it really focused on the fact that this came from farmers. In this piece, it says it took a long time. I agree, but it wasn't easy to meet everyone's expectations. A lot of people sat around the table and provided valuable input over two years. The Growers of Organic Food Yukon, the Agricultural Association, Yukon Young Farmers, the Yukon Hog Producers Association, the Fireweed Community Market Society, the Game Growers Association, First Nations, the general public, the municipal governments, and many, many agriculture-based stakeholders — some with opposing views — all were consulted and consulted again to finely hone this document. This document was formulated by the people, for the people, and it took exactly as long as it needed to take. I think that shows we've always been committed to making sure that people are heard and that we take the time to get these policies right. It's very important that you — again, for the member opposite's understanding, this is coming from, not only the farm community, but the majority of these individuals are his constituents which is where this work has come from. I do appreciate some of the points there.

As well, to the Leader of the Third Party, I'm definitely committed to having a longer discussion. That was a great point that the Member for Takhini-Kopper King brought up on her collaborative visit. The point to make — organized by the Agriculture branch — requested because I thought it was good to sit with my two colleagues to do that work. In that, what we found is that the pricing mechanism for electricity is actually quite favourable compared to other jurisdictions for the farming community, but when you take into consideration that a lot of

energy use maybe is used in irrigation and other things, they're actually using fossil fuel and they're using diesel. What I've asked our departments to do is look at how we can potentially enhance infrastructure and three-phase power in these particular areas which then will give farmers the opportunity to not use diesel but then to use electricity.

That is some of the work. I know ATCO has done a bit of the infrastructure work on Takhini Road and now we're looking out in the Member for Lake Laberge's riding to see if there are other places of high-density agriculture.

I will state that I'm very happy with the work that I have had the opportunity to do with my colleague, the Minister of Environment. I think we have hit a real balance on other things that came up during those visits with my colleagues from across the way on some of the challenges on elk. I think that we have done some great work. Again, congratulations to all who took part in this very successful process in building this strategy.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: COVID-19 pandemic impact on education system

Mr. Kent: The Liberals have received a failing grade when it comes to their handling of the school reopening. Parents, teachers, and students have all been critical of various aspects. They have highlighted the hardships and difficulties that have been created by the decision to not allow grades 10 to 12 students to return to full-time in-class learning in Whitehorse. Last week, the minister stated on the floor of this Legislature that she was puzzled that people were finding this difficult, but for the last four weeks, we have raised concerns about families that are having to seek mental health supports as a result of this, and many of them have to pay for it out of their own pockets.

What assistance is the minister offering to these families to offset these costs?

Hon. Ms. McPhee: There has been much criticism from the opposition about the school reopening plan. We had a plan; we executed that plan; we still have a plan. The plan was developed with the advice and the guidelines of the chief medical officer of health, through the hard work of administrators, teachers, educators, school councils, First Nations, and other partners. That plan was executed, and it was a plan that resulted in the return of almost 5,700 students back to school every day for the past two months, safely in the midst of a pandemic. Individual families who are struggling through this process — and there are lots of individuals who are struggling through the pandemic process; certainly, families with children in school are no exception. We have asked that they reach out to their school counsellors, to their teachers, to the educators and professionals who work in each of their schools, and that assessments for individuals who need additional supports can be done at that level. We will continue that work on a case-by-case basis so that no student is left behind.

Mr. Kent: I think it's important for the minister to understand that the criticism is coming from Yukoners and their families. It's not just coming from members of the opposition.

My question was about assistance to offset costs associated with additional mental health supports. Many families are finding that their students are having a difficult time adjusting to the changes at the schools. With reduced in-class learning, students are becoming stressed or having difficulty remaining focused. The minister needs to understand that this is the lived reality of many Yukoners right now. Families are finding themselves having to enlist the support of tutors to help their students through this difficult situation. The problem is that there are long lineups as a result of increased demand created by the part-time in-class learning.

What action is the minister going to take to address the tutoring shortage created by her decisions?

Hon. Ms. McPhee: Mr. Speaker, I think it's important to remind the members of the opposition — I know Yukoners know this — that these decisions were taken on the basis of promoting the health and safety and protecting the health and safety of Yukon children as they safely returned to school.

School counsellors are experienced and certified teaching professionals, Mr. Speaker, who support students in achieving their personal, social, emotional, and academic development and their career potential. Their role in schools is to provide advice, guidance, and resources to help address students' learning needs and to help them plan for life after school, including post-secondary school or career planning.

If students require supports, Mr. Speaker, beyond what the school counsellor can provide, the school counsellor can refer them to appropriate health care professionals such as professional mental health counsellors, social workers, tutors, and others who can provide specialized support. We're asking families who need this kind of support — individual students and their support networks — their families, their extended families — to please reach out to a trusted educational professional at their school so the help that they need can be properly assessed, determined, and supported by the Department of Education and by all of the professionals who work in our schools across the territory whose primary goal it is to support students.

Mr. Kent: Mr. Speaker, the challenge is that the minister speaks about referring to tutors, but those tutors aren't available right now because of increased demand. So, my question was: What is the minister doing to reduce that tutor shortage?

But I will follow up with my third question here: As of September 30, approximately \$733,000 of the \$4.1 million federal back-to-school funding had been committed to. In a briefing document from officials, we were told that approximately \$195,000 had been allocated to additional supports for students; however, there is no mention of hiring additional teachers or educational assistants in this briefing document.

So, can the minister tell us if she has directed the department to hire more front-line educators? If so, how many can we expect and when can we expect them?

Hon. Ms. McPhee: Mr. Speaker, it is critical that students remain at the centre of all of the decisions that are made by the professional educators who are working with students in their schools. We have asked that administrators assess what they need on a daily basis — on an ongoing basis — not only what they need for the purposes of responding to students' schools but what they need to respond to the health and safety measures for each individual school and each individual student and their learning needs. That work is ongoing.

We have great confidence in the professionalism of our teachers, of our administrators, and of the support staff in schools, whose primary goal it is to work with students and to determine what it is that they need at this extremely difficult time — extremely unusual time — not a normal school year. They are all working hard — very hard — to make sure that the students are at the centre of their decision-making and that those decisions are supported by the Department of Education central administration and the funds that are available through the federal government and through the Government of Yukon to do that work.

Question re: COVID-19 pandemic impact on education system

Mr. Hassard: Mr. Speaker, the lack of consultation with parents and school councils on the subject of getting students back to school has come back to bite the Liberals. As we have repeatedly been bringing to the attention of the government so far during this Fall Sitting, there are serious concerns with how the minister rolled out the return-to-school plans for grades 10 to 12 students. Parents, teachers, and students are telling us that the plan is creating difficulties for them. When we highlighted these difficulties, the minister dismissed them. We will once again give the minister a chance to give a proper answer to affected parents and students.

When will the grades 10 to 12 students in Yukon schools be returning to in-person classes full time?

Hon. Ms. McPhee: I am pleased again to be able to deliver this message to Yukon families, which, of course, they are hearing through the schools, through the administration. I should indicate that the grades 10 to 12 students will return to full-time classes when it is safe to do so. In the three Yukon schools that have been affected here in Whitehorse, the school reopening plan was based on a plan developed by education partners, administrators, teachers, experts in the field, officials at the Department of Education, and our First Nation partners and others, on the advice of the chief medical officer of health, in order to make sure that the adaptations that were put in place resulted in the appropriate spacing for students, the appropriate ability to move around a school, and the appropriate respect of the “safe six” requirements during the pandemic.

Mr. Hassard: Mr. Speaker, yesterday the minister stated — and I will quote: “We will be able to return all grades 10 to 12 students in Whitehorse to full-time classes when it is safe to do so.” Now, we heard the minister say that again today. So, can the minister explain how it is safe for a grade 9 student at F.H. Collins Secondary School to attend full-time classes but

it is unsafe for a grade 10 student at F.H. Collins to attend full-time classes?

Hon. Ms. McPhee: I'm happy to answer that question. I'm going to assume that the member opposite is not asking about the recommendations made by the chief medical officer of health, because of course those questions should go to that office.

We have made the plan going forward with respect to students returning safely to class on the basis of the recommendation made by the chief medical officer of health. We have had to adapt grades 10 to 12 students at the three larger high schools in Whitehorse. These operational adaptations are based on the advice of school administrators and the health and safety guidelines for schools to ensure safe spacing, managed traffic flows, and to limit the mixing of certain groups of students.

We continue to monitor and adjust the supports in the short term to meet the immediate school needs and student needs in the current model, and it continues to be our priority to have the safe return of grades 10 to 12 in class, full time, when it is safe to do so in the space that is available in those three schools.

Mr. Hassard: Mr. Speaker, maybe the question I should be asking the minister is what she thinks her role is in all of this. But I'll move on, Mr. Speaker.

Going back to her remarks from yesterday, she stated — and again I will quote: “We will be able to return all grades 10 to 12 students in Whitehorse to full-time classes when it is safe to do so.” So, can the minister tell us what needs to change or what parameters she is waiting for to return grades 10 to 12 students in Whitehorse to full-time in-person classes?

Hon. Ms. McPhee: I think that it's critical to understand — and I know that Yukoners and parents do — that returning grades 10 to 12 to full-time education is a priority for the schools, for the educators, and certainly for this government.

We have opened schools with the best possible plan put forward. I said earlier — and I don't necessarily want to repeat myself — but based on the administrators, the experts in the field, and the chief medical officer of health, that is how the plan came about. We certainly appreciate the patience and the consideration being shown by everyone involved, including students, parents, and school communities.

One of the priorities, of course, was to have students in school every day. Many of the suggestions that come forward did not include having grades 10 to 12 with their teacher five days a week. That was not acceptable as an opportunity for those students. We continued to work with the secondary school administrators, partners, Yukon First Nations, and school communities to ensure that programs are meeting the needs of students to the greatest extent possible at this very unusual time. We are all working to support all students to continue to develop their independent learning skills and to help build resilience in all learners, so that they are prepared to achieve their educational goals.

Question re: *Child and Family Services Act Review Advisory Committee recommendations*

Ms. White: The *Child and Family Services Act* was proclaimed in 2010, but only after the previous government had failed to meaningfully engage with Yukon First Nations and they had withdrawn from the process. So there was scepticism when the minister appointed a committee to review the act in May of 2018. Committee members spent 18 months consulting with individuals, communities, and governments on necessary changes to the act. They gave their word to Yukoners, based on the minister's commitment to them, that this project would not be lip service or end up as another report collecting dust.

The report, *Embracing the Children of Yesterday, Today and Tomorrow*, was presented to the minister in July of 2019 and tabled here one year ago. Since then, Yukoners have heard little about what changes will be implemented.

Can the minister share what recommendations from this report have been or will be implemented to better support children?

Hon. Ms. Frost: I would like to first acknowledge the great work of reviewing the *Child and Family Services Act*. A lot of effort has gone into ensuring that we take the measures necessary to support our children and our families. We have done an extensive review, as required, around the actions and we have done that with Yukon First Nations. Part of the most recent discussions that we have had was around ensuring that every child is supported in our territory. Of course, that means that we need to look at our partners and acknowledge the work that was done by Yukon First Nations and the work that was done by the *Child and Family Services Act Review Advisory Committee on Embracing the Children of Yesterday, Today and Tomorrow*. We certainly learned a lot from past wrongs and are always focusing on the future and what we can do better, and that involves cooperation and partnership with all of our partners as we look at supportive legislation and the changes as we move forward.

Ms. White: In July of this year, the committee again wrote to the minister. They point out that their 2019 report provides a road map to build capacity and outlines an approach designed to eliminate systemic oppression and racism. The minister made a commitment to Yukoners at the beginning of their review to follow up on that report. With the public release of the report, the advisory committee had high hopes that this government would be taking action to implement the 149 recommendations, but ongoing e-mails to the minister from committee members have expressed their disappointment at the lack of follow-up.

Can the minister tell Yukoners if there is a strategic plan with clear actions and timelines stemming from this report and when it will be shared with Yukoners?

Hon. Ms. Frost: As indicated, we are working in partnership with Yukon First Nations and addressing the actions put forward by the advisory committee. We are continuing to work and certainly look at cooperation and partnership as we look at legislative adjustments. We look at changes that are required. Significant work has already been done with the honouring connections project, which is massive

and huge. It speaks about reconciliation and reconciliation and systemic racism at the heart of how we deal with our children in the Yukon.

I would say that we are moving. We have progressed and made significant advancements with respect to the implementation of the recommendations. The department is doing a really great job in looking at regularly updating and looking at progress and doing that in partnership. We have met with 12 Yukon First Nation governments. We have participated directly in the *Child and Family Services Act*. We have participated in moving the milestones, and we will continue to work to achieve that by eliminating systemic racism, providing equitable services for all children in the Yukon.

Ms. White: In the recent *Putting People First* report, the panel commented that the government had not yet responded to the *Embracing the Children of Yesterday, Today and Tomorrow* recommendations. The panel point out in their report that it would be prudent for this government to give consideration on how the *Child and Family Services Act* can be organized to support the core principles and vision of the new wellness model. This government publicly acknowledged that the report and the recommendations made had important implications for all Yukoners and the Putting People First panel was invited as witnesses to this Assembly to answer questions of members.

Will the minister show the same respect for the work that was done and invite the committee members who reviewed the *Child and Family Services Act* to appear before this Assembly to speak about their work and recommendations?

Hon. Ms. Frost: The required actions by the advisory committee are embedded in all of the work that we do with Yukon First Nations. That work is ongoing while we carry out our mandate that was embedded certainly into the *Putting People First*. It's just another indication of the great work of the department. So, all of the work that we have done with respect to the youth and child advocate, with respect to the *Child and Family Services Act* review, with respect to *Putting People First*, the repatriation and the movement of putting our children back where they rightfully belong within our communities through the extended family care agreements — at the core of the collaboration is the desire to ensure that all of our legislation recognizes that all children have the right to be healthy — emotionally, physically, and spiritually — safe, secure, and to feel loved and valued and respected in their culture. That's the core of the work that the department is doing. That's the core of the work that's currently being discussed with respect to the implementation. I'm very pleased with where we are. I think that we've moved significant milestones and we will continue to do that great work with our strategic efforts.

Question re: Auditor General report on education system

Mr. Kent: In July 2019, the Auditor General of Canada published their report on Yukon's education system.

The audit highlights the work the Department of Education needs to do to improve the services we deliver to kindergarten

through grade 12 students. The Auditor General provided clear direction on the areas of our education system that are most in need of improvement. One of the recommendations was to — and I quote: “... develop and implement a strategy to address the long-standing gaps in student performance... particularly those of Yukon First Nations and rural students.”

The government agreed with that recommendation and committed to develop and implement an outcome improvement strategy for these students.

Can the minister tell us if this strategy is in place yet?

Hon. Ms. McPhee: The Auditor General’s report was a critical opportunity for the Department of Education to align its work with that of the priorities of First Nation educators primarily and the opportunity for us to identify the Auditor General’s guidance to identify issues with respect to where improvements could be made in the Yukon education system.

We want to ensure that Yukon schools are meeting the needs of Yukon First Nation students and all students and offering all students opportunities to learn about Yukon First Nation histories, cultures, languages, and ways of knowing, doing, and being in all Yukon schools. Culturally inclusive and welcoming learning environments need to support students at every school.

The Canadian Auditor General’s report has provided a framework and an excellent working plan to go forward. There is a plan that is being developed in consultation with our partners, and work has begun on many facets of the recommendations made by the Auditor General last June.

Mr. Kent: My question was on the development and implementation of an outcome-improvement strategy. It was a specific recommendation and response by the Department of Education, so hopefully the minister can address that.

So, in response, the Auditor General also said that the government should conduct a full review of its service and supports for inclusive education. In response, the government agreed and committed to the Auditor General that — I quote again: “The review will start in fall 2019 and provide recommendations by spring 2020...”

However, as with many things with the Liberals, they were not able to live up to their commitments or timelines. In fact, long before COVID required the government to delay the review throughout the summer, the Liberals broke their commitment to the AG and did not even start the review until February 2020. So, given that the recommendations were originally due by spring of 2020, to be implemented by this school year, can the minister tell us why the review did not start in fall 2019 as planned, and can the minister now tell us when the recommendations for the review for inclusive education will now be completed?

Hon. Ms. McPhee: I should note with respect to the question regarding the Auditor General’s report that there were seven important recommendations made that the Government of Yukon — the Department of Education — in its entirety has accepted all of those recommendations. They will result in the work going forward, which has already begun, in response.

I said last June, but I want to correct that — the Auditor General’s report was released in June of 2019, to be clear. You

can view the audit report as well as the transcript from the hearings that were held before the Public Accounts where Yukon Department of Education officials answered all the questions of the opposition with respect to that plan going forward. Certainly, that information is available to the public as well.

With respect to the review of inclusive and special education, it has begun. I am not sure about the date reference that the member opposite made; I will confirm that. It is certainly ongoing. His question with respect to why it has been delayed is quite simply: COVID-19. Unfortunately, personal visits, the gathering of information from family members, students, and those most affected by that work has had to be delayed. It is back on track.

Mr. Kent: Just for the minister, the Public Accounts Committee is an all-party committee of this Legislature; it is not just opposition members.

We aren’t asking about Auditor General recommendations that have been accepted, but what we are asking about are the actions taken and the commitments made by the department and the minister. One of those is with respect to school growth plans. They are the road maps to improvement for Yukon schools. Under the *Education Act*, each school administration must prepare a school growth plan that identifies one to three years of educational priorities and goals for the school. The Auditor General also found that the government was not living up to these requirements. I will quote from the report: “The Department of Education should implement its required oversight mechanisms to provide summary reports to the Minister and complete teacher evaluations.” The government agreed to this recommendation as well and said that they would begin implementing an improved process for oversight by the end of the 2019-20 school year.

Can the minister confirm if this was completed on schedule?

Hon. Ms. McPhee: What I can confirm is that work is ongoing, as per the 2019 recommendation from the Auditor General. The timeline — let me say this, to be clear: We have been working with a consultant with respect to the review of inclusive and special education, of which the question currently before the Legislative Assembly is a part — who is leading the review of inclusive and special education with respect to those programs, the importance of those programs, and the services that they provide to Yukon families — which is absolutely critical that there are improvements made in this area. It has clearly been an issue in the past, and improvements must be made on behalf of students.

The timeline for the review has been extended into the 2020-21 school year, and the extension will provide more time and opportunities, both for this review of the special education and the school growth plans, to safely connect with others, to gather perspectives on these programs and services from students, from families, from central administration, and school staff, Yukon First Nation partners, and school communities — all critical to feed their perspectives, their points of view, their suggestions, their ideas, and their knowledge and expertise into this process.

Question re: Community banking services contract

Ms. Van Bibber: In July, the government announced that they had signed a new community bank contract and would be transitioning bank services in our communities from TD to CIBC. This transition was supposed to be completed by October 15. However, almost two weeks later, the communities of Mayo and Carmacks are still without banking services.

Can the minister tell us why this is and when these two communities will have a bank?

Hon. Mr. Silver: Thank you to the member opposite for the question. We do have a new bank contract. Through a competitive procurement process, the Government of Yukon did get a new service contract put in place with CIBC with transition to this new provider. Again, having taken place in and around September 2020, the contract, for reference here, is providing banking services for government operations and to ensure banking services in the Yukon communities that would not otherwise be serviced by commercial services.

The banking services are extremely essential for our community residents, for First Nations and municipal governments as well, local businesses, tourists, and also our own operations in the communities. We will be working with these groups and we're working through some of the issues to make sure that we have as smooth of a transition as possible over the coming years.

We are working with TD, which was the previous service provider as well, and CIBC to minimize service disruptions to communities, individuals, and government organizations. Current levels of services will be maintained with the new provider. We do recognize that there are some issues in a few communities as we go through a transition and we are working with the bank providers to make sure that we have as smooth of a transition as possible.

Ms. Van Bibber: Since the Liberals have implemented these changes to community banking, we have heard complaints from almost every community. Yukoners are wondering why they are now being forced to do all their banking online. They're wondering why they're no longer able to pay bills at the bank, such as power and phone bills.

Can the minister tell us why the new community banking contract has resulted in worse services and in some cases no services for Yukoners who live in our communities?

Hon. Mr. Silver: I don't know if the member opposite misspoke or not, but there are three communities right now that are having issues in the transition — not all communities. Every other community is — as far as my notes go; I'll check into this again, but I updated this note as of today, and we have three communities that are having issues with the transition, but there are regular hours for all of the other communities listed in the service contract.

So, I will check into that. I'm hearing off-mic comments from the Yukon Party now, so I will double-check that. As I said, my notes are from this morning, where I saw three communities having a little bit more difficulty in that transition.

We believe that having reliable and convenient access to banking services is extremely important and it ensures that Yukoners and communities can take care of personal financial

matters and be part of the economic growth of the territory. Most community users will not need to change their accounts either — or institutions — as many of the services can be provided regardless of the institution. Transition in communities is happening as we speak.

We do admit that there are a couple of communities right now where there are some problems to be worked out. But we are pleased with the competitive bid process that got us to this place, and we are willing to continue to make banking services in the communities better than they were in the past.

Ms. Van Bibber: The Liberal government's July press release claims that the government was working to ensure that there would be minimal disruption to services in communities. However, not only has there been disruption to services, some are not even getting the service.

We know that the Association of Yukon Communities had asked to be involved in the procurement process for the new community banking contract. However, the Liberals chose not to involve them. Had they been involved, we believe that many of these issues would have been addressed before they became problems.

Why did the government leave the Association of Yukon Communities out of the process?

Hon. Mr. Silver: Mr. Speaker, we didn't change anything as far as how the banking contracts from the government have been implemented over the years. I will look to see if, when the Yukon Party was in government, they reached out to AYC and see what the reason would be for us changing that particular procurement opportunity. I don't think that is the point.

I do know that this was a competitive procurement process and I do know that we do now have a bank service in all of these communities. We are expanding — once we get some of the problems worked out in a few of those smaller communities that we are still working with right now to make sure that this procurement policy gets implemented — after that gets worked out, we will have better services in the communities than under the previous government.

Speaker: The time for Question Period has now elapsed.

Notice of government private members' business

Hon. Ms. McPhee: Mr. Speaker, pursuant to Standing Order 14.2(7), I would like to identify the items standing in the name of government private members to be called on Wednesday, October 28, 2020. They are Motion No. 236, standing in the name of the Member for Copperbelt North, and Motion No. 237, standing in the name of the Member for Porter Creek Centre.

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

ORDERS OF THE DAY

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Hutton): The matter before the Committee is general debate on Bill No. 14, entitled *Act to Amend the Environment Act (2020)*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: I will now call Committee of the Whole to order.

Bill No. 14: *Act to Amend the Environment Act (2020)*

Chair: The matter before the Committee is general debate on Bill No. 14, entitled *Act to Amend the Environment Act (2020)*.

Is there any general debate?

Hon. Ms. Frost: I have with me today Bryna Cable, director of environmental protection, to help with debate and discussions around the *Environment Act*.

I am pleased to speak today in Committee on Bill No. 14, entitled *Act to Amend the Environment Act (2020)*, which will provide the legislative framework to regulate single-use products and packaging, including the ability to ban single-use bags.

As a quick summary, we are aiming to enable the ban of single-use items, such as bags and other products, through regulations. Single-use products and packages, like plastic and paper bags, are harmful to the environment and costly to deal with once they are discarded. A key action to address this problem is to reduce the amount of single-use products and packages we use. Being able to regulate single-use items will help Yukoners align with municipal, national, and international efforts to reduce waste in our environment and landfills. Taking this initial step to amend the *Environment Act* will allow us to proceed to establish a regulation under the act to ban single-use bags and, in the future, other types of products and packaging when needed.

Mr. Chair, as I mentioned in second reading, stakeholders will have the opportunity to help shape this regulation and the coming-into-force date will be determined based on input and circumstances related to the pandemic.

I wanted to just go to some specific notes with respect to the review process. In leading us up to this place today, extensive consultation had been conducted. Just most recently, Bryna Cable and the Deputy Minister of Environment met with the Whitehorse Chamber of Commerce to really look at the next

steps. The executive director provided comments back. I will just make note, for the record, of the specific comments received. They provided a comprehensive update as to next steps, which I will pass along to business owners the quote. The Whitehorse Chamber of Commerce offered to co-host the session in the future to look more at the regulatory process underway. We have reached out to the community and we will continue to work with the community.

On the last debate and discussions we had, there were specific questions and I would like for us to go there now. On October 26, the Member for Kluane had specific questions on why we were amending the act. Single-use products and packages like plastics and papers are harmful, as indicated, to the environment. Amendments to the act are necessary to enable the creation of rules so that single-use products like Styrofoam cups and packages can be regulated, including the ability to ban items. These amendments will strengthen the territory's waste-reduction efforts and help Yukon align with municipal, national, and international efforts to reduce waste in the environment and landfills.

As announced last fall, single-use bags are the first product that will be banned by regulation under these new act provisions. Public review of proposed regulations is required under the act. So, these regulations will be developed with input, ensuring that rules are fair and only apply to the extent necessary to achieve waste-reduction goals. The opening comments were really about that — it was about the connections that have already been made and the continuation of ensuring that we do that.

With respect to other jurisdictions and what they are doing: In June 2019, the Canadian jurisdictions approved a zero plastic waste strategy, led by the Canadian Council of Ministers of the Environment. In that same month, the Government of Canada announced an intention to ban harmful single-use plastics, such as plastic bags and other products, as early as 2021. This was supported by scientific evidence.

So, the Village of Carmacks, the Village of Mayo, and the Village of Dawson City have already banned single-use plastic bags at the municipal level, and that also holds true for Vuntut Gwitchin. PEI also banned plastic bags, so there is great consideration for what is happening at the national level, as we look at implementing the regulations and the conversations that are to be had.

I think the other question was with respect to: Are these amendments redundant? These amendments will strengthen the territory's waste-reduction efforts and help Yukoners align with municipal, national, and international efforts to reduce waste in our environment and landfill. The federal ban will be achieved by adding these items to the *Canadian Environmental Protection Act*, as it is enforced on the reduction of harmful plastics in the environment.

Our made-in-Yukon regulations will be made under the *Environment Act* regulations and will focus on reducing single-use products — both plastic and paper items.

So, what we heard from stakeholders — the consideration of certain charges on single-use bags was not an option, during the engagement in 2019. The local industry and retailers were

supporting a complete ban instead. Smaller retailers — we have had some discussions around the administration and the burden that placed on surcharges for customers. Certainly, banning the product was one way of addressing that, and I understand the efforts that went forward — or the amendments and the suggestions that came forward to us from our stakeholder groups.

With respect to the *Environment Act* and the regulations, I believe there was a question around the definition of “single use” with respect to the products and packages. Specifically, the environment amendments will enable regulations to define “single use” with respect to products and packages — enabling regulations of manufacturing supply and distribution of these products and packages for different classes of people such as retailers and restaurateurs. Will stakeholders have a chance to participate in the development of the regulations? I spoke about that. I indicated that we have already gone through that — the initial stage of having those conversations and further cooperation will take effect with the chambers to reach out and hopefully the intent is to facilitate through them further discussions.

So, sections 28 and 29 of the *Environment Act* require stakeholders in public engagement on the development of regulations. The stakeholders were informed of potential amendments to ban bags in August and were invited to discuss this with Environment staff.

We hope that the stakeholders and the public have further opportunities, Mr. Chair, on feedback and we hope to engage with stakeholders for 60 days after Christmas. The engagement will inform how we design single-use bags — pardon me, how we define “single-use bags” — and when the ban will come into effect so that businesses have time to get rid of stock and prepare for the ban.

There was another question with respect to food industries and the impact. The specific clause that we’re going to be discussing in the amendment, clause 110.01(1)(d), allows for the exclusion of certain bags to ensure that, among other things, food safety is maintained. Stakeholders in the food service industry will have the opportunity to provide feedback on the regulation to address specific food-handling considerations.

With that in mind, certainly there are risks and challenges as we are in the midst of a pandemic, so the chief medical officer of health and safety provided some recommendations for consideration as we look at our service industry as it exists now. So, there are some precautions around that. Of course, the department is working very closely with the industry — understanding that there may be questions regarding the health and safety of reusable containers during the pandemic. The chief medical officer of health has stated that COVID-19 transmission, from his perspective, there is no reason that reusable bags cannot be used in stores. Some stores have made some efforts not to use reusable bags, but that was the direction of the chief medical officer of health.

The pieces of legislation that deal specifically with when and how an emergency is declared — that runs through the chief medical officer of health, and, of course, the amendments and the adjustments will be made into the future as well, so

there will be some flexibility in the regulations to allow for those things to happen in pandemic times.

There was a question also — when will the regulations for a ban come into force? The bag ban implementation and timelines will likely be sometime in the middle of 2021, but the specific date will depend on feedback received during the public review. That will be the 60 days after Christmas.

When will a bag ban be enforced? That was the next question that the member asked. Enforcement of the future ban on single-use bags will be complaint-driven and carried out by the Government of Yukon inspection officers. There are some efforts already being put in place with respect to how we manage the implementation of the *Environment Act*.

I would like to now walk through the amendments, clause by clause. I will take my seat and see where we are, and I will check in with the members. I do have the specific clauses and some comments with respect to the amendments, or we can take questions specific to the sections. I will take my seat and get some feedback on how the members would like to proceed with that.

Mr. Istchenko: I want to thank the staff for being here today and supporting the minister. I will have a few questions before we proceed line by line. They are a little more in-depth than some of the answers that I just received.

The minister has listed several different products in the discussions on this issue. In the bill itself, the description of the regulation-making power is respecting single-use products and packages. In the minister’s comments during second reading — and this is important — she said that the act was aimed at responding to Motion No. 294. As the members will recall, that committed the government to: eliminate the distribution of single-use plastic bags; eliminate the use of single-use plastic food and beverage containers, including straws, utensils, and lids; and reduce the amount of packaging throughout the retail industry.

Later in her second reading speech, the minister said — and I quote: “These amendments will enable us to ban single-use items...” Then she said: “Single-use products and packages like plastic and paper bags are harmful to the environment...” Then the minister said that the legislation was going to allow us to go even further than what the federal government has announced.

For background, the federal government announced that they are banning grocery checkout bags, straws, stir sticks, six-pack rings, plastic cutlery, and food takeout containers made from hard-to-recycle plastics like black plastic packaging. So, we heard the minister talk about plastic bags, paper bags, single-use bags, packaging, takeout containers, cutlery, and many other products. While I know that these products are all similar in concept, they each present very different realities when it comes to the regulations. So, my question is: Can the minister tell us what she is actually planning on banning with the new regulation-making power that this act will give her?

Hon. Ms. Frost: I would like to thank the member opposite for the question. With respect to Canada’s announcement that it will ban certain single-use items made from hard-to-recycle plastics by the end of 2021 and then going

on to specifically identify what those items are and the broader comment around the *Environment Act* amendments and the foundation on which the *Environment Act* sets, I think, the tone for Yukon — the broader foundation for the territory to ban other single-use items in the future — this is enabling legislation. It allows us to look at the future and look at future possibilities. For now, the discussion that we have had with industry folks and with our partners was to look at single-use bags. The discussion was about whether or not we look at surcharges or banning those bag items.

The regulations now with respect to this government — it is, by the way, not my decision; it's the decision of the stakeholders, the decision of the communities and the participation of our members to direct and provide the necessary feedback with respect to the legislation to allow and enable some future efforts around zero waste in the Yukon. My colleague, the Minister of Community Services, really honed in on where we are with recyclables, reusables, and the pressures we are seeing on our landfill facilities, which really drive how we engage and look at the legislation going forward.

This really is based on input and on how we make the best decision and choices going forward, keeping in mind that it is enabling legislation that allows us then to adapt according to the direction of Yukoners.

Mr. Istchenko: I just want to follow up on that. The minister said that this bill represents her government's response to Motion No. 294, which committed the government to eliminating the number of products.

Does the minister feel that this legislation will fulfill that commitment?

Hon. Ms. Frost: Mr. Chair, on October 3, 2019, the Hon. Angélique Bernard, Commissioner of Yukon, announced in the Speech from the Throne that the government would be implementing a ban on single-use bags within the next year. Then, with respect to a motion that the member opposite speaks to, this regulation will allow us to carry forward on the ban of single-use bags.

Mr. Istchenko: In the previous response, the minister also said, when I asked her about what she's actually planning on banning, she spoke about banning or surcharge. Can she clarify if some items will then have a surcharge or if some items will be banned?

Hon. Ms. Frost: For discussion today, we're discussing the single-use bags and the banning of single-use bags. The regulations will allow us — and that's, I think, the future conversation that we're having right now that we will have with Yukoners around what that will look like. The enabling legislation will allow us to have broader discussions around that.

Mr. Istchenko: The minister said, in her opening comment, that the regulations will be in place next year. In light of COVID and everything else, is that still the plan? Does she have more of a definite timeline?

Hon. Ms. Frost: So, I will maybe go back and I will just remind the member opposite that the chief medical officer of health indicated that he didn't have any issues with issuing reusable bags, so it is less about COVID. I think that the

consultation and the implementation is more about the ability to have that engagement with our stakeholders. So, the target was to look at the middle of 2021. The consultation and engagement that will precede this — and that is after December 25 — will really be based on the feedback and the timing of how we phase this in, and that will be determined by our partners and our stakeholders. Part of it really has to do with how quickly they can get rid of the single-use bags that they have been accustomed to using, and how quickly can we implement without putting any more jeopardy on the businesses.

So, there may be opportunities to phase in. We're not ruling out any options. I think that we are really trying to be as flexible as we can be during these challenging times that we are in so as not to put additional pressures on any one of our businesses.

Mr. Istchenko: Mr. Chair, I might remind the minister that she talks about banning single-use plastic bags, but actually we are talking about single-use plastic bags and we are talking about single-use plastic food beverage containers, including straws, utensils and lids. I made a long list there before; it is not just single-use plastic bags.

My next question is: Does the minister plan on listing these products captured by the regulations through an appendix or a list which will be then periodically updated?

Hon. Ms. Frost: The member opposite speaks about single-use products. Certainly, as indicated, the enabling regulation speaks about single-use bags. That's the conversation we are having now. With respect to regulations and how that will be defined in the future with respect to products, regulations of course will be reviewed periodically. It's important to note that the single-use items as discussed by the federal government and international governments was really about harmful impacts and the effect those products have on the environment. The Minister of Community Services spoke about that yesterday. It's certainly something businesses in the business community have indicated as well.

As we look at the products and deem whether those products are detrimentally harmful to the environment, the legislation — being an enabling legislation — will allow the government, the stakeholders, and the partners — the municipalities and the First Nation partners — to look at what those products and those items are.

So, for now, I would say that the regulations will be reviewed on a periodic basis. Of course, keep in mind that products will be assessed as we go through the regulation process and the consultation, and then of course looking down the road after we get through the implementation.

Mr. Istchenko: Does the minister anticipate using the same definitions as the federal government has used in their plastics ban?

Hon. Ms. Frost: I'm just seeking clarification from the person who has the most knowledge, given that the director of environmental protection has been actively involved in terms of national assessments and reviews on what has transpired across the globe, and specifically looking at what Canada is doing, and then looking at the engagement with Yukoners. I

want to just say that Canada — as we look at the national framework with respect to the federal government's direction on plastic products and the definition that they have taken with respect to their regulations — speaks only to plastic products, given that the intention is really about the harmful impacts and the toxins that are found in plastics and the impacts and effect that they have on the environment. Here we are talking about single-use bags, meaning plastic and paper bags. We would then look at our regulations to allow, in the future, making necessary adjustments if necessary as we look at other products.

My previous answer with respect to other single-use items, as discussed by our government in the proposed amendment, really just honed in on this area of single-use bags and then the opportunity to have future conversations with our stakeholders as we look at the regulations.

Mr. Istchenko: Mr. Chair, I am not sure, but I don't think the minister answered my question. We have heard the minister talk about plastic bags, paper bags, single-use plastics, packaging, takeout containers, and cutlery. I said this earlier in the House today. If you look at that, I also listed what the federal government had announced. They are quite similar, so that is why I was asking that question: Does the minister anticipate using the same definitions as the federal government has used in their plastics ban?

Hon. Ms. Frost: Just for clarification — as we look at the process that we are embarking on here in the Yukon, specific to the Yukon — of course, we are always looking at how we align on a national scale with respect to the environment and looking at zero-waste reduction. When we speak about zero-waste reduction, we speak in the context of products other than single-use bags. The regulations will allow us, as we look at exemptions in the future, to have those conversations with our stakeholders and our partners, so the question is: Are we following the federal government's definition? We have a Yukon-unique process that we're following. The unique process defines — as we discussed with our stakeholders — the approach of single-use bags. Of course, we certainly want to make sure that we keep that in mind as we go forward and look at future efforts of other products — future discussions and conversations we have with our stakeholders around other products that we might define in our conversations around exemptions or around the implementation of banning certain products. We certainly wouldn't want to do it without our stakeholders, so future conversations — I think that for now this is how we are approaching it.

Mr. Istchenko: Mr. Chair, as we have discussed already here today, the federal government has announced some fairly broad actions banning single-use plastics. Based on what we have understood so far about the minister's intentions, it seems like the federal ban will largely accomplish what the minister is planning.

Was the minister aware of the upcoming federal action on this?

Hon. Ms. Frost: I would say not so much about whether I'm aware. I think the department has worked very closely with their federal counterparts — their territorial and provincial counterparts — and continue to collaborate with the provincial

and territorial governments on solutions like the Canada-wide plan for zero waste. I would venture to say that's the answer that we want to give. It's not specifically about what I want; it's about the best practices. We look at ways to ensure that we look at products in the Yukon. We certainly want to work with our partners, the municipalities, the First Nation communities, and of course Community Services around recycling and sustainability and working closely with our municipal partners and of course the public on recycling and of course industry and retailers. It's really about that; it's not about whether or not we knew. We certainly are aware of what's happening. That's the conversation that we've had with our stakeholder partners. I'm always looking at best practices and looking at the national targets, but we also know that Yukoners are very adamant and very concerned about the environment and environmental protections and the sustainability of the environment going into the future.

As indicated, some of the communities are already proceeding with the banning of single-use products — single-use bags — in their communities and going so far as to look at the potlatches that they're having and making sure that they take measures that are necessary to protect the environment.

So, there are a lot of really great efforts already underway across the Yukon. I want to just acknowledge that the efforts are there as we look at the approaches that we're taking in the Yukon.

Mr. Istchenko: So, it sounds like the minister was aware of this upcoming federal action. Did the minister coordinate the timing of these announcements with the federal government?

Hon. Ms. Frost: Just with the federal government's targets — I was trying to get an indication of when that came in and when the decision was made and issued. The federal government's mandate was really around the zero-waste strategy and the indication of whether or not Yukon aligned with that. Certainly, the question was around whether we took that into consideration. We were moving already and looking at this. This has been a long-term process and it just so happened that those things aligned somewhat, in that they have a target of 2020-21. We had the same target, but this was not pre-planned or orchestrated in any way; it just so happened to work out that way.

Mr. Istchenko: So, the minister said, in her second reading speech, that the legislation will allow the Yukon to ban even more products than what the federal government is planning. I am just wondering what else she is planning to ban, using new legislative powers. Just a little while ago, she talked about paper bags. The federal government is planning on banning plastic grocery bags — not paper bags.

Is the minister suggesting that the Yukon government is planning on banning both paper and plastic bags?

Hon. Ms. Frost: The answer to the question is yes. It includes single-use bags — plastic and paper. The legislation being enabling legislation, we'll really look at the future and look at the evidence that's required to make decisions around other products. Certainly, we want to make sure that we engage with our partners as we go ahead and proceed with that. Our made-in-Yukon regulations really are focusing on single-use

bags and, in the future, looking at other products, but that will be done with principles in mind around the evidence required to make those decisions and the harmful effects and impacts it's having on the environment. That will be done in collaboration with our stakeholders and our partners.

Mr. Istchenko: So, it seems like the federal ban will likely be in place before the Yukon's.

Does that make the regulatory package the minister keeps talking about and planning unnecessary?

Hon. Ms. Frost: I'm just getting an indication of the timelines. As I understand it, the federal government's objective is to have their regulations implemented by the end of 2021 and we are looking at the middle of 2021, so Yukon's approach will likely take effect before the federal government's regulations come into effect.

Mr. Istchenko: I want to now dig into consultation a little bit. We heard from several businesses about this legislation, and they were not aware of any consultation being done on this legislation. Can the minister confirm that this is the case?

Hon. Ms. Frost: With respect to the consultation, the extensive consultation had taken place during the spring of 2019 as we were proceeding with the option of looking at the surcharges, and then, of course, the recommendation came back that the industry and the stakeholders wanted to look at banning single-use bags. From that point, my understanding from the staff is that they have met with the chamber, and they are now proceeding with the next phase of that. That process started in August, and it will continue on.

The offer from the Whitehorse chamber to proceed with co-hosting an event of stakeholders will take effect very shortly. We want to ensure that we get as much feedback as we can, recognizing and appreciating that during COVID we need to look at alternatives, so the department has taken innovative approaches in making sure that we reach out through various lines of communication to ensure that we don't miss anyone or any interest group.

Mr. Istchenko: The restaurant industry, in particular, will be significantly affected by this legislation and definitely by the subsequent regulations. That industry has been particularly hard hit by this pandemic we are in. Can the minister comment on the timing of bringing this action forward when this industry is already facing such incredible challenges?

Hon. Ms. Frost: What we've heard, in terms of stakeholders and our public with respect to some retailers specific to the quick-food industries and looking at some of the concerns that they brought forward — the department has had extensive discussions and engagement with that industry as they've taken a look at this drafting. There will be future opportunities for the quick-service industry to bring forward some practical recommendations as we look at the regulations, keeping in mind that, as we look at health and safety requirements from that industry, we certainly want to make reasonable efforts to address the concerns that are being brought forward. This is a huge opportunity also to look at providing necessary supports where supports are required —

not to provide undo hardship for anyone, but provide an opportunity for reasonable approaches going forward.

Mr. Istchenko: On October, 19, 2020, the Whitehorse Chamber of Commerce wrote the government about this bill. They said: "Dear Deputy Ministers Bailey and King,

"Hoping this finds you both well. This correspondence is in regard to Bill No. 14, *Act to Amend the Environment Act (2020)*, that I understand is scheduled to be introduced during the Fall 2020 Sitting of the Yukon Legislative Assembly. I've recently been contacted by business owners representing the restaurant sector of our membership, who want to ensure that Government of Yukon plans to include feedback on regulations around packaging use and the potential impact(s) this will have on their businesses.

"As you may or may not be aware, in April 2019, the..." Whitehorse Chamber of Commerce "... distributed information and the YG survey link to membership and asked for feedback. A breakfast session, co-hosted with Yukon government, brought members of the private sector and departmental personnel together to discuss single-use products. During this session, private sector business owners identified their interest in being part of, and informing, discussions around single-use materials and they are still committed to doing this.

"Owners and operators have valuable, practical information to share and..." the Whitehorse Chamber of Commerce "... is requesting a meeting to discuss: timelines for regulations; input that has/has yet to be included in the development of regulations; and, flagging and discussing potential issues around the practicality of package use as it specifically pertains to the restaurant sector.

"Considering that Bill No. 14 is on the YLA schedule for the fall session, this is a time-sensitive request and we look forward to hearing from you at your earliest convenience to set up a virtual or in-person meeting with two or three business owners and myself in attendance."

So, it seems clear that the Whitehorse Chamber of Commerce was concerned enough to formalize this request in a letter. There seem to be two key requests in this letter. The first is that they want input and the second is that they want to meet, with some urgency.

The government and the minister spoke a little bit about this earlier, but has the government responded to this letter, and, if so, what was the response?

Hon. Ms. Frost: I also received a letter from executive director Susan Guatto from the Whitehorse Chamber of Commerce just a couple of days ago stating that she is very pleased with the meeting that was had with the deputy minister and the director of Environmental Protection Service. The objective, as indicated by the executive director, is that they are pleased with the report and the comprehensiveness and the thoroughness of the update. As to next steps, the executive director indicated she would pass these along to the industry and the business owners and then, in fact, offered to co-host.

The joint consultation of the commitment by the Whitehorse Chamber of Commerce to the department was to host a joint consultation early in the new year. So, that's as of

a couple of days ago. I just wanted to make those notes because I do know that the industry folks are quite keen to participate. The Whitehorse Chamber of Commerce is really keen to coordinate and facilitate with the department. I'm quite pleased about that. I think that it's a good indication that we're moving in the right direction.

Mr. Istchenko: I thank the minister for that answer.

I have spoken to this in the House before. When the Northwest Territories took action with regard to plastic bags, they excluded the restaurant sector because of, like we've heard and said, the significant impact it would have on those businesses.

So, will the minister consider excluding the restaurant sector from her plans?

Hon. Ms. Frost: I'm trying to get a little clarification around how and what happened in the Northwest Territories because that's certainly a different process than we are going through here. Northwest Territories went to fees — a fee process — and here we're — as recommended by our industry folks — they preferred to go with a ban on single-use bags.

So, with respect to whether or not we are going to exclude restaurants from the plan, I would suggest that it is a consideration that we would have in the future as we look at regulations. Right now, we're talking about single-use bags and the banning of single-use bags. We certainly want to keep in mind that, as we go ahead and look at the joint consultation and the discussions with our chambers co-hosting — and future consultation is certainly something that we want to keep in mind and pose those questions to industry folks.

Mr. Istchenko: Mr. Chair, I guess I will make it a little bit simpler: Does the minister actually think that it is possible to exclude possible sectors or does she view this regulation as sort of all or nothing?

Hon. Ms. Frost: I will maybe go back to the section that speaks about the enabling process of this, which is to look at what potentially could happen in the future, not suggesting that it is possible — of course, it is possible to look at exclusions. The objective is to do that in consultation, but for now, I think that one of the pieces of the act is to allow for what sector of our society we are speaking about and how we look at that in the future. For now, we are talking about single-use bags and the implementation of single-use bags as opposed to looking at what sector will be detrimentally impacted, affected, or exempted from a process. We want to talk about the implementation of the regulations and the act allowing us to proceed in a certain direction.

I want to just say that the opportunity through this enabling legislation will keep that window of opportunity always open to have a discussion about what the industry folks are suggesting and the recommendations that we are receiving back.

Mr. Istchenko: Mr. Chair, that concludes my questions for the minister during general debate. I do want to thank the staff again for being here today and I will turn it over to the Leader of the Third Party.

Ms. White: Mr. Chair, we often talk in here about how our questions or our points of view come from our different

values and different priorities, so I come at this thinking that this is an example of us setting what we hope for. We want to reduce the amount of waste and we want to increase the amount of diversion from the landfills, and what better way to do it than by changing our habits and stopping the use of things. It was mentioned by the minister or the Minister of Community Services yesterday — there was reference to the extended producer responsibility, the EPR system. That is typically more of a federal decision. We say that it is extended producer responsibility. It's the responsibility of the manufacturers to change how they package things. But how does the minister view this first step toward amending the *Environment Act* and moving toward sustainable systems? We have talked in the past about either partnering with British Columbia or Alberta to try to deal with those waste streams, but how does this minister view this as being a step toward changing the future?

Hon. Ms. Frost: Mr. Chair, the extended producer responsibility — in terms of looking at a more sustainable effort going forward — with the federal government's mandate and their obligations, what I understand is that the responsibility of waste management rests with the provincial and territorial governments, so we certainly have an obligation to look at that.

I know that my colleague, the Minister of Community Services, has been doing some really great work around the efforts of solid-waste reduction across the Yukon, looking at best practices, but also looking at doing a review currently through the Ministerial Committee on Solid Waste.

The Ministerial Committee on Solid Waste is looking at what's happening in BC, for example, and how then we best align with what's happening there as opposed to creating something that's unique to the Yukon, trying to look at a process being brought forward.

Single-use products and packages and bags — of course, we have indicated that they are extremely harmful to the environment and are certainly the most costly to deal with as we look at waste reduction and recycling. The amendments are necessary to enable the creation of certain rules as we go forward with respect to single-use products. The amendments will strengthen our waste-reduction efforts and help Yukon align with municipal, national, and international efforts to reduce waste in our environment and in our landfills.

The department is certainly looking at having a further review as we look at the recommendations of the Ministerial Committee on Solid Waste. That requires some further input as well from our municipalities. Of course, that is where the landfills are situated, so the question from the member opposite is around where we are with respect to implementation. I think it is really just keeping in mind that there is a committee established to look at solid-waste management in the Yukon.

Ms. White: I think that where I was coming from was re-envisioning what the future could be and what I think this legislation is. It is enabling the future and I appreciate the points that were given, but, yes, I was just trying to change the conversation if I am honest about it. I was just trying to find a more positive way to talk about things.

During our briefing, we were told that draft regulations had been started. What is the timeline before they are able to go out for consultation?

Hon. Ms. Frost: The January, February — 60 days after December or after Christmas — is what I understand is going to be the consultation period.

Ms. White: Great — and will it be open to all people or will it be targeted consultation?

Hon. Ms. Frost: It is an open process. It is a public consultation process.

I think that, just for reference, it is important that we try to get the message out, because with COVID, we want to make sure that we don't have any challenges. That means that we will work with our stakeholder partners and they in turn will reach out to their partners, much as we are doing through the Whitehorse chamber.

Ms. White: I thank the minister for that answer. One of the things that I highlighted after the briefing yesterday and in the comments that I made in second reading was the importance and the foresight of the drafters in Yukon to recognize some of the criticisms that the federal government's legislation has been met with around the narrowness and the concern that what the federal government's legislation was going to do was to push people from one single-use item toward another — especially toward paper bags. I just really want to highlight and signal my appreciation for this legislation where it talks about defining "single use" with respect to products and packages. I think that's important because it does give us the ability in the future to address and to re-evaluate as we go forward. My hope always is that, with the advancements in technology, we will see the minimization in that waste. So, I just really wanted to highlight that as something that we should celebrate in Yukon — the forward thinking of these amendments.

Hon. Ms. Frost: Thanks to the member for the comments. I really think, as indicated, that it is a huge opportunity, and it's a huge one for Yukoners. We are moving in the right direction with respect to solid-waste reduction. As we look at implementation, we will always get the push and pull on whether or not we are meeting all of the objectives. I think that the intention is really to look at evaluating as we go forward, and the regulation allows us to do just that. It is enabling, so it allows us to have future conversations — which is a huge benefit, I think, for us, rather than being so prescriptive as to define now something that we may change in the future.

Mr. Istchenko: I wasn't going to get back up, but now we have been able to narrow some of these down a little bit and have a bit more detail. The minister said that she is not planning to ban the same type of plastics as the federal government. She is currently only contemplating plastic bags and paper bags.

I do want to note that the description in the bill itself says that the legislation is aimed at single-use products and packaging. So, we are already learning a bit more from this minister about what she is planning. I have just a couple of questions here about what the term "single-use bags" means. Can the minister provide us with a definition of what a "single-use plastic bag" is?

Hon. Ms. Frost: The definition will be created in the regulations, and that regulation has yet to be completed or drafted.

Mr. Istchenko: Will that include the little bags that we use for vegetables at the grocery store?

Hon. Ms. Frost: Under section 110.01(1)(d), it speaks about exemptions, and that will be defined in regulations. Really, I think, we speak about primary bags. So, you go to the grocery store and you buy a bag of apples — it comes in a bag that is already pre-packaged — that is a primary bag. So, those are some of the things that we would speak about in part of the regulations — which bags would be exempt, in terms of single-use bags.

Mr. Istchenko: I thank the minister for the answer. I just want to get on record here for a few more things. I asked about the little bags for vegetables at a grocery store. I am wondering if it will include plastic takeout bags that one would receive quick-food service in — for instance, McDonald's takeout bags — or, if you buy a single doughnut at Tim Hortons, it comes with a paper bag. Will that be banned? Does it include single-use sample bags used by the mineral exploration industry for collection of rock and soil samples?

The minister had mentioned earlier in debate that there has been extensive consultation with the food service industry. I just want her to elaborate again on this consultation, because I brought up quite a few different bags there, and we are not really getting an answer on whether they will be banned, or they won't be banned, or if it will come in the regulations, or if it might be a primary or secondary.

Hon. Ms. Frost: Section 1(d) of the rules allow for the rules to be established that exclude certain types of single-use products and packages from the restrictive or prohibition measures that will be defined in regulations. The member opposite speaks about specific bags for specific purposes.

For example, when we speak about exemptions for single-use bags, including bags necessary for food safety, certainly the consideration would be that you would make an exemption when there are food safety considerations. When you look at transportation of foods, that would be considered also under the food safety category. If you look at purchasing from a deli, you would look at food safety requirements. When we perhaps start looking at medical and privacy rules, you would consider that as well. Those are some of the things we would consider as an exemption.

Purposely speaking, as we look at primary bags for products — as the member opposite indicated, for vegetables and such — those are things that perhaps would be exempted and that would be defined in a regulation process.

Mr. Istchenko: That was the last of my questions.

Chair: Is there any further general debate?

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

Mr. Istchenko: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 14, entitled *Act to Amend the Environment Act (2020)*, read and agreed to.

Unanimous consent re deeming all clauses and the title of Bill No. 14 read and agreed to

Chair: Mr. Istchenko has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 14, entitled *Act to Amend the Environment Act (2020)*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 1 and 2 deemed read and agreed to

On Title

Title agreed to

Hon. Ms. Frost: Mr. Chair, I move that Bill No. 14, entitled *Act to Amend the Environment Act (2020)*, be reported without amendment.

Chair: It has been moved by Ms. Frost that Bill No. 14, entitled *Act to Amend the Environment Act (2020)*, be reported without amendment.

Motion agreed to

Chair: That concludes Committee of the Whole's consideration of Bill No. 14.

The matter now before the Committee is continuing general debate on Bill No. 12, entitled *Act to Amend the Wills Act (2020)*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: Committee of the Whole will now come together.

Bill No. 12: Act to Amend the Wills Act (2020) — continued

Chair: The matter before the Committee is continuing general debate on Bill No. 12, *Act to Amend the Wills Act (2020)*.

Is there any further general debate?

Hon. Ms. McPhee: I am just going to take a moment to welcome back Sheri Hogeboom, drafter with Legal Services, and Will Steinburg, who worked extensively on the policy with respect to Bill No. 12.

I note that we ended yesterday with some questions coming from the Member for Whitehorse Centre. I am certainly happy to continue answering questions if there are others with respect to the bill that is before the House and any of the details therein or general questions about the process.

Mr. Cathers: I would just note that I had addressed my questions earlier. I had understood that the Third Party did have some questions, so I would just briefly speak and give them a moment if they wish to ask questions in general debate.

Again, I would just like to thank the minister and the officials. I was satisfied with the information provided in response to my questions.

Chair: Is there any further general debate on Bill No. 12?

Hon. Ms. McPhee: Just to confirm — I thank the Member for Lake Laberge for making that note — if we could just confirm if there are any other questions on behalf of the critic for the Third Party, or we can proceed to the clause-by-clause debate, as you wish.

Chair: Is there any further general debate?

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

On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Clause 15

Clause 15 agreed to

On Clause 16

Clause 16 agreed to

On Clause 17

Ms. White: Mr. Chair, is clause 17 in subsection 35 meant to be an enabling provision? Is there an intention to move it or is this about just enabling the provisions?

Hon. Ms. McPhee: Mr. Chair, this is an enabling clause — in answer to the question. First of all, it's an important future step if Yukoners determine that it is something that should be brought to implementation. Implementing a registry is a complex task that exists in some jurisdictions, but not in all in the country. It's a complex task which involves further policy work. The factors that need to be considered are things like the privacy implications, costs, location of such a registry, and the administrative needs. All those would need to be considered prior to advancing the development of regulations, but with these changes, certainly, hopefully there is more modernization if need be. Maybe Bill No. 12 has it right and there won't need

to be too many future *Wills Act* amendments, but since 1954, not having addressed this, it is a more modern approach in some jurisdictions and this enables it to happen if Yukoners determine that is an important step going forward.

Clause 17 agreed to

On Clause 18

Clause 18 agreed to

On Clause 19

Clause 19 agreed to

On Clause 20

Clause 20 agreed to

On Clause 21

Clause 21 agreed to

On Clause 22

Ms. White: Mr. Chair, this part talks about the validity of wills, which I think is important to highlight. If the minister can just explain to us how it ensures that none of the provisions that we've been discussing invalidate wills — I think this is important.

Hon. Ms. McPhee: I thank the member opposite for the question. This is something we would want to make sure we emphasize. I did speak about it in the second reading address to the Legislative Assembly, as well as in the Committee of the Whole address, but I think it bears repeating. A will that was made in compliance with the current legislation before the amendments come into force cannot become invalid because of the amendments. Wills currently in place that are validly made under the current legislation will remain so. If a will was cancelled because of the marriage of the person making the will who are following the rules in the current version of the act — what we hope will be the previous version of the act — that will is not effective again, even though revocation upon marriage has been repealed by these amendments. That is just one example. Because the amendments will change the automatic revocation of marriage, again, a will made under the current legislation — properly made — will remain in force and effect.

Clause 22 agreed to

On Clause 23

Clause 23 agreed to

On Schedule

Schedule agreed to

On Annex

Annex agreed to

On Title

Title agreed to

Hon. Ms. McPhee: Mr. Chair, I move that you report Bill No. 12, entitled *Act to Amend the Wills Act (2020)*, without amendment.

Chair: It has been moved by Ms. McPhee that the Chair report Bill No. 12, entitled *Act to Amend the Wills Act (2020)*, without amendment.

Motion agreed to

Chair: That concludes Committee of the Whole's consideration of Bill No. 12.

The matter now before the Committee is general debate on Bill No. 205, entitled *Second Appropriation Act 2020-21*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 205: *Second Appropriation Act 2020-21*

Chair: The matter before the Committee is general debate on Bill No. 205, entitled *Second Appropriation Act 2020-21*.

Is there any general debate?

Hon. Mr. Silver: I am pleased to rise today in Committee of the Whole to outline the spending requested as part of the first supplementary estimates for 2020-21. I would like to introduce my guest, the Deputy Minister of Finance, Scott Thompson. Scott joined the department at the start of March. He and his family are a lovely complement to the Yukon, fitting right in and just in time for the budget to drop and for a world pandemic to come to the Yukon.

Things have obviously changed, Mr. Chair, since we tabled the budget at the start of March. Our day-to-day lives have definitely changed. This pandemic has changed almost everything — how we get groceries or even get dinner, for that matter. It has changed how we greet each other and how our workplaces are organized. It has brought new terms into our lives, like “physical distancing” and the “safe six”. While some of these changes are small, they are definitely significant and they add up. They have affected many Yukoners as friends or family get sick in other provinces. Many Yukon businesses have struggled to make ends meet with little tourism and the decreases in our hospitality opportunities. Yukoners have faced evictions when those businesses couldn't pay them anymore. Workplaces are finding it hard to find ways to protect their staff — with plexiglass partitions, facilitating work from home, and ensuring a high level of sanitation.

As a government, we knew that it was essential to ensure that we could help Yukoners weather the storm. That storm continues. The changes that we bring forward today for discussion are largely COVID-related but will not reflect the total costs of dealing with this pandemic, obviously. This is a starting point of the forecast cost to government of supports and responses. In responding to the pandemic, some departments have been able to absorb smaller costs, such as overtime and modifications to workspaces. The key to all of this, however, is ensuring the continuity of core services delivered while also responding quickly and effectively to the pandemic. That is also why you will see non-COVID-related items in the supplementary estimates.

In any given year, we see estimates change for reasons beyond our control and that is why we have supplementary estimates — so that if we need to change the estimates for a certain program or projects, we can. It means that we can take

advantage of recoveries as well from the federal government as they become available, or we can adjust our forecasting if a capital project needs to be adjusted or pushed to a following year. None of these decisions are ever taken lightly.

I do want to thank the hard-working staff across government — folks who are listening in now — who ensure that this is the case. While bringing a relatively large supplementary estimate, they have kept financial responsibility at the forefront and I thank them for their dedication.

I would like to spend a few minutes detailing variances in spending between the main estimates and the supplementary estimates. In total, the 2020-21 first supplementary estimate contains \$92.2 million in additional spending. This is made up of \$95.9 million in additional operation and maintenance spending and a decrease of \$3.7 million in capital spending. We are projecting a \$10-million decrease in own-source revenues from taxes and fees, while transfers from Canada remain the same. There is also a \$58-million increase in operation and maintenance recoveries and a decrease of \$5.9 million in recoveries on the capital side.

We started this fiscal year with a projected \$4.1-million surplus. Our response to the COVID-19 pandemic and the budgetary changes they require is forecasted to result in a \$31.6-million deficit. This is a variance of \$35.7 million, or a change in the fiscal position equivalent to 2.5 percent of our total expenditures, or \$880 per Yukoner. To put this in perspective, the average change in fiscal position of all provinces and territories is \$1,910 per person.

As we continue to navigate the latest global environment, we have had to make very tough decisions, but the right decisions, for now and for the future. Let me turn to some details on those decisions.

As I mentioned, 2020 is expected to see \$95.9 million in additional spending for operation and maintenance. The largest contributor, by far, is an additional \$88.7 million for responses to the COVID-19 pandemic. This includes \$33.7 million in new spending on health care and public health responses to the pandemic. This covers, among other things, the cost of the respiratory assessment centre, the COVID response unit, testing and contact tracing, PPE, support for vulnerable populations, and daycare supports.

There is also \$44.8 million in economic and fiscal supports for businesses, families, and individuals hit hardest by the pandemic. This includes \$4.3 million for income support for essential workers, \$1.2 million for the paid sick leave program, and \$12 million for the Yukon business relief program that provides non-repayable grants to cover specific fixed costs for businesses.

There is also \$1.8 million to support businesses impacted by the cancellation of events, like the Arctic Winter Games, due to COVID-19 public health restrictions and another \$1 million to enhance the tourism cooperative marketing fund. There is another \$4.2 million for school reopening during COVID-19 and \$3.9 million for the Emergency Coordination Centre and border enforcement.

There was \$1.1 million allocated to support mineral exploration projects to maintain industry interests during the

pandemic. There is \$10 million allocated to supporting the aviation industry in Yukon. This is an example of our strong relationship with the federal government as this funding is recoverable from Canada to support essential air services in the north during the pandemic, including medevac services.

Some changes are not directly for COVID support, as I said earlier, but are still related. An example includes \$95,000 for an increased volume of flu vaccines this year. While some other government priorities have been delayed while we focus on pandemic responses, it is still critically important that we continue making progress on Yukon's other priorities. One example is a \$1.7-million increase to O&M for our government's initial actions in response to *Putting People First — the final report of the comprehensive review of Yukon's health and social programs and services*. This new spending will provide increased medical travel supports, a new nurse practitioner in Carmacks, and enhancements to Yukon's pharmaceutical programs. It also expands the implementation of the IHealth information network, a modernized and integrated health information network for the territory.

There was also additional spending of \$400,000 for extended family care agreements, to encourage more children to live with extended family, as well as a funding agreement of \$2.4 million for early learning and childcare.

Other O&M spends across government include \$186,000 for Yukon school council elections and \$400,000 for the national coordination office of the Ministerial Conference on the Canadian Francophonie. We have \$311,000 for maintaining and operating the Mayo aerodrome, \$718,000 for emergency washout repairs on our highways, \$285,000 for the Victim Services family information liaison unit, and \$169,000 for program delivery increases for the Yukon strategy on Missing and Murdered Indigenous Women and Girls, LGBTQ2S+, the Victoria Faulkner Women's Centre, the Whitehorse affordable family housing program, and the indigenous women's equity fund.

There were also a few notable changes to capital spending. The overall \$3.7-million decrease in capital spending is mainly the result of delays in the Dempster fibre project. Delays in the permitting process mean that most of the work on the Dempster fibre project plan this year — \$19.5 million in work — will be deferred to the next fiscal year. This decrease is partially offset by accelerating progress on two energy projects by Yukon Energy Corporation. These include the Mayo to McQuesten transmission project and also a battery storage project.

Both of these projects address the power requirements for a growing territory, and industries will account for \$9.3 million in spending in 2020-21, all of which is fully recoverable by the government.

There is also an additional \$4.9 million capital investment in the expanded IHealth information network.

We are also seeing \$510,000 in additional work at the Whistle Bend continuing care facility — work that would not be completed last year, and it is therefore brought into this year.

The first supplementary estimates reflect an increase of \$58 million in operation and maintenance recoveries. Over 90 percent of these new recoveries are related to the COVID-19

pandemic. It shows the collaborative approach and positive relationship between the federal government and all provinces and territories in addressing urgent needs during this pandemic. There is a decrease in recoveries on the capital side. As mentioned, this is a result of delays in the Dempster fibre project as much of the planned spending this year was recoverable.

At the same time, new areas of capital spending also leveraged federal funding opportunities with 100 percent of our new energy investments recoverable and some of our investments in the IHealth information network also recoverable.

There is also a decrease in revenues to the tune of \$10 million. This is related to the impacts of COVID-19 on our tax revenues and fees. While Yukon's economy is still projected to continue to grow this year, it will grow at a smaller rate than assumed when we tabled our budget prior to the pandemic. This means that we expect to receive less personal income, corporate income, and fuel oil taxes to the tune of \$7.1 million. We are also expecting less revenue from camping, hunting, and fishing fees because of travel restrictions. On top of that, there is also less revenue because we have waived certain fees as part of our economic and financial assistance to businesses.

One of the ways that we are helping businesses came before we even knew the true impacts of the pandemic, and that was through the *Budget Measures Implementation Act, 2020*. We reduced the small business tax rate from two percent to zero, a significant move to support small local businesses by saving them an approximate \$2 million per year. It also expanded the eligibility of the small business investment tax credit. Together, these measures are expected to save Yukoners more than \$2 million per year. As well, the act modernized and simplified the *Insurance Premium Tax Act*, bringing those rates in line with what is typically seen in the rest of the country. Even with savings for businesses, these changes are expected to create an additional \$1 million in resources for government programs.

I will conclude my remarks by restating the purpose of the supplementary estimates. They are used to convey unexpected changes to the main estimates and so must be responsive to the needs of Yukoners while remaining fiscally responsible. We recognize that supporting Yukoners comes at a financial cost, and we are not where we estimated we would be way back in March. That is why these are called the main "estimates". They are estimates based on information that we have in the months leading up to issuing the budget. We have moved from a \$4.1-million surplus to a \$31.6-million deficit. This is the price of supporting businesses and our families. This is the cost of responding and protecting Yukoners by acting quickly and by being nimble and adaptive. We are ensuring that Yukoners and their businesses and industries receive the supports that they need and will continue to need.

By leveraging significant funds from the federal government, we are keeping the territory in a good position to come out of the pandemic as well. We will come out of it healthy. Yukoners are a very resilient bunch, but if we are

realistic about the pandemic, then we need to know that it's not going away overnight and we are in it for the long haul.

So, let's talk about it and have a healthy debate in the House. I invite members to request further details on any areas included in the supplementary estimates. I'm happy to answer, to the best of my ability, in general debate. My ministers would be pleased to address the more specific questions in their department votes.

I do have a list also, Mr. Chair, of some questions that the members opposite have asked in other budgetary years that are more pertinent to general debate here today. I will get into the answers to those questions, but before — we're getting late in the day here, so I'll cede the floor to the members opposite to see if there are any more questions. In my response there, I'll start down the list of some of these answers to some of those very specific questions.

Mr. Cathers: In beginning my remarks as Official Opposition Finance critic, I do want to acknowledge the fact that the one thing we do agree with the Premier on is that this has been a very difficult year for people. It certainly has required Yukoners, Canadians, and people around the world to make adjustments in their lives — some minor and some significant.

It's also worth reminding people that, while almost everyone is experiencing some difficulty related to the pandemic, not everyone is experiencing the same amount of difficulty. Some people are making uncomfortable adjustments. Other people are looking at their future and trying to figure out how they're going to recover from the impact that the pandemic has had on their business or their lives in some other way.

Some people are seeing, particularly in hard-hit sectors like the tourism sector — people who approached 2020 with optimism are now, in some cases, just trying to figure out how to put one foot in front of the other, plan their way through, and hopefully recover from this. It has a big impact for small business owners in whatever sectors tend to be heavily invested personally in their business. For many of those people, it can also be a situation where not only their business is at risk, but they are at substantial risk personally in terms of their financial future. I want to acknowledge that in beginning my remarks.

There are a few areas, as the Premier can no doubt guess, where we are concerned with some of the decisions made by government. To be clear, we do agree that additional spending is necessary in a pandemic. The amount of additional spending and the areas where that spending has occurred are, in some cases, of concern to us. Government appears to be using the pandemic as an excuse to, yet again, grow government in areas that don't directly relate to our hospitals and health care.

Because health is so integrally important to the pandemic, I want to remind the Finance minister that we have been criticizing the government since the beginning of the mandate for insufficient funding for the Yukon Hospital Corporation. Repeatedly, the response has been some version of "everything is fine; everything is okay", stop bothering them with these questions. We touched on this in the spring at the beginning of the debate on the budget for this fiscal year. At the time, I am

just going to briefly quote from Hansard for March 10, at the beginning of page 990. I noted, in beginning my remarks, that in every — and I quote “... budget we expressed concern about funding for the Hospital Corporation. Every time we raised this concern, the Premier assured us everything is fine; everything is okay.

“But as my colleague, the Health critic, pointed out in November when the Hospital Corporation witnesses appeared, we were told by department officials in the spring budget briefings that \$2.8 million requested by the hospital in the previous fiscal year for their core needs wasn’t provided until the start of the 2019-20 fiscal year.

“Questions were asked as well by my colleague of the hospital chair and CEO about funding for the current year. While the CEO wasn’t prepared to speak about how much core funding hadn’t been approved for the current year — as Hansard will show — again, for the record of Hansard, I’m referring to page 861 and 862 from November 26, 2019: “The hospital CEO wasn’t prepared to speak about how much core funding hasn’t been approved for the current year, but he confirmed that they are waiting for a — and I quote: ‘pending decision’ on ‘core funding’ and for the orthopaedic program.”

I apologize for that one long sentence — that was just a direct quote from the transcript from the spring. Again, returning to Hansard from March 10, when debating the budget we have in front of us here today — I said at the time: “As well, the confirmation we received was that they were waiting for money, both for the core budget and the orthopaedic program. I’m just referring to an earlier reference on page 861. The hospital CEO told us “... they would only have a balanced budget for 2019-20 if a pending decision by government on ‘core funding’ was approved. He also said — and I quote: ‘We had set a budget early in the year, and we are, right now, looking at making sure that core funding has been established in its entirety.’”

“Then we received the information provided by department officials in the budget briefing related to these third supplementary estimates and, according to the handout that we were provided, we see that there is a \$4.6 million amount provided to Yukon Hospital Corporation — and again quoting from that handout: ‘Yukon Hospital Corporation — Funding for various areas, mainly to address funding shortfalls.’”

I will just end my quote at that point. But that is a recap on the spring, and the fact that we know that government provided inadequate funding for the hospital in a previous fiscal year.

Unfortunately, this isn’t a new problem. The relevance of it today is that we have seen the pattern of chronic underfunding by this Liberal government of the Hospital Corporation. During a pandemic, that is creating strains, such as the one that boiled over into the news recently related to nurses and the pressure on them at the hospital.

A pattern of chronic underfunding of the hospital is something that we knew from the outset was guaranteed to eventually cause significant problems. In fact, I think it’s fair to say that both staff and managers there would agree that, in every year that the underfunding occurred, it caused problems.

But those problems become progressively bigger as time goes on and as you enter a pandemic.

Again, just to remind the Premier and his colleagues, the debates that we have had with this Liberal government about funding for the Hospital Corporation include in their first budget where I, after raising with the Premier my concern about the lack of funding for the Hospital Corporation — we heard the Minister of Health and Social Services say — and this is quoting from May 15, 2017, Hansard, on page 430. The minister said: “Could we and could this government have afforded an additional \$5.2 million in 2017-18 for the Hospital Corporation? No, so what is the accountability attached to that \$5.2 million that was the request, which puts the total up — that automatic built-in increase of four percent? Well you can’t automatically build in an increase of four percent...”

We have had this pattern, year after year, and unfortunately, we are seeing the impacts today. We have also seen that the government has been very resistant to suggestions coming from the Official Opposition and has really — in terms including “pandemic management” — dug in their heels at every occasion rather than taking good suggestions and incorporating them into their plans, whether it be our repeated offer and proposal of forming an all-party committee to assist them with the pandemic response or simple suggestions that we have made in debate in this Assembly. Unfortunately, when government stubbornly ignores advice from others and ignores their input for partisan reasons, there are impacts. We don’t profess to have all of the answers, but we do have some of the answers in part because we listen to Yukoners who talk to us about the problems with how the government is managing things both during the pandemic and prior to it. When the government ignores us, they are not just ignoring us; they are ignoring the Yukoners who contacted us and are turning a deaf ear and a blind eye to their concerns.

We know that, as I mentioned — and as the Premier and I discussed on March 10, 2020, in beginning debate on the first budget bill that government brought forward this year. From page 991, I said: “... the reason we’re going after it is that the numbers that we are provided say that there is a problem and the Premier keeps dismissing it. We’re on month 12 of the 2019-20 fiscal year. The hospital is only now getting the \$4.6 million it needs for core funding and the expensive — valuable but expensive — orthopedics program they’ve been absorbing until this point in time. I am quoting from the document that we were given by Health and Social Services officials, just as we were previously.”

One more quick excerpt: “... \$4.6 million that the hospital already needed during the current fiscal year and that they are only finally getting in the 12th month. If the Premier doesn’t realize that this is a problem, he needs to take a serious look at it, read the documents in front of him, and recognize that our health care is important. That includes adequate funding for the Hospital Corporation.”

So, here we are today. If the Premier and his colleagues are wondering why they saw the recent announcements in the news about problems that they did in terms of staffing and retention of nurses at the Hospital Corporation, they only need to go

upstairs and look in the mirror to figure out where the problem is, because they are directly responsible for chronically underfunding the hospital throughout their mandate.

Now, I want to talk about another area that we have seen the government establish a pattern in and that is in growing government in non-urgent areas. Now, this spring we saw the government, after already increasing the size of the government workforce by over 10 percent, adding on additional FTEs — full-time equivalent positions. Again, in this fall budget, according to the handout they provided, we see a situation where the number for this year, according to what they told us, is an increase of 118.9 positions in the fiscal year. At a time when people across the territory are, in some cases, tightening their belts just trying to make it through the pandemic, when business owners are trying to figure out how to make property tax payments on their personal dwellings or pay for the rural electrification and well charges on their property that, prior to the pandemic, they expected to be able to pay this year, when business owners are trying to figure out if they can keep employees on, what's this Liberal government's solution? They seem to have gone to their default response of growing government, hiring more employees, and if the pattern to date holds true, many of those employees will not even be from the Yukon; they will likely be hired from outside the territory. While, of course, we do recognize the benefit and the talent that can be brought in from hiring people from Outside, in doing so, this government has a pattern of passing over qualified Yukoners, who could have done jobs in areas everywhere from — in Emergency Medical Services, we have heard it repeatedly from paramedics who have been passed over repeatedly. We have heard it in other areas as well across government, and unfortunately, that is due to the policies of this government.

I am just going to return to — actually, just another question regarding the FTEs there: Can the Premier confirm what the 118.9 full-time equivalent positions that he is adding this year — once they are added to government, what is the total number of FTEs in government going to stand at, after the addition of those positions?

Hon. Mr. Silver: Okay, lots there. I am not going take the barbs and wires and all of the language that has been used by the member opposite every time he gets to his feet; I am going to go right to the specific questions.

He was concerned about the amount of spending. In my introductory comments, I identified that if you take a look at — in this supplementary budget — concerns about COVID spending — he said that, and I am paraphrasing here, but — “We are concerned about the amount of money that they're spending.” It has worked out to 2.5 percent of our total expenditures, or \$880 per Yukoner. Now, to put this into perspective, compared to other jurisdictions, the average in all other jurisdictions is double that. It is \$1,910 per person. When you take a look at other jurisdictions and spending and our fiscal position, the change — the delta that they are in — I think that we are spending within our means very well.

I think that the credit there goes to the departments, the directors, the ADMs, the managers — all the way up through — who never stopped working, from the first signs of COVID

all the way through to make sure that we continued the programs and services but, at the same time, did it in a fiscally responsible manner.

So, I will disagree with the member opposite that we are spending amok or whatever narrative he is trying to create — that is simply not the case.

When it comes to the Hospital Corporation increase, it is very interesting. The member opposite is like a broken record on this particular issue and the Minister of Health and Social Services has risen to her feet a few times on this issue to say that, since we formed government, the increase to the Hospital Corporation was 30 percent — 29 percent, 30 percent — since the Yukon Party. If you even take in the CPI, so the index or inflation, that is a substantial increase. Last year alone, increased spending to the Hospital Corporation was 8.9 percent. If the member opposite is saying that, with those increases, we are woefully underfunding the hospital, we can just imagine how woefully underfunded it was under the Yukon Party. That is a substantial increase.

The member opposite tries to create a narrative that is just simply not the case. Health and Social Services met the hospital's request for 2021 and provided the whole funding complement up front as well. Again, it is a good partnership working with the Health and Social Services department and the Hospital Corporation to increase, not decrease, the amount of money for the corporation. Again, if the member opposite thinks that a 30-percent increase in the funding of the Hospital Corporation over those four years now, including close to a 9-percent increase this year, is not enough, well, then, I'm wondering what exactly he is proposing. In his government, they didn't increase it that much. Maybe when they were in power, it was woefully underfunded, but that is a substantial increase. That is a substantial increase to the Hospital Corporation.

The member opposite then went on to FTEs.

Sorry, just before I go there, again, when we are talking specifically about the supplementary budget, which is what we are here to debate today, when we take a look at the \$33.7 million in the balance of the supplementary estimates for COVID response for Health and Social Services, \$6,012,424 was provided in this supplementary budget for the Hospital Corporation for COVID. So, again, Mr. Chair, that speaks to the relationship that the Department of Health and Social Services has with the Hospital Corporation, making sure that we meet Yukoners where they are and making sure that, again, in this year, COVID-related expenses are identified, but in the last four years, there was a nearly 30-percent increase in the yearly increases to the budgetary process to the Hospital Corporation.

The member opposite then pivoted to saying that we are out of control as far as the FTEs. I would like to know from the member opposite: Which FTEs and which departments would he cut? What is his plan? Are they cutting FTEs in particular departments or are they going to cut — maybe because his questions are about Health and Social Services, is that where the member opposite would be cutting?

The 2020-21 main estimates — as of that time, we had 5,104.8 full-time equivalents — or FTEs — reported for the Government of Yukon to support programs and services. In the *Supplementary Estimates No. 1*, there is an increase of 13 permanents and 75.2 term FTEs, or 1.7 percent, from the 2020-21 main estimates. The majority of these increases in supports are attributable to the Government of Yukon's response to the COVID-19 pandemic. Again, which one of those supports did the member opposite want us to cut?

It also provides a continued high level of service that is expected by Yukoners. We will continue to provide the services that Yukoners have come to enjoy.

During the first portion of the year, the government also temporarily redistributed staff in various departments to assist in the COVID-related supports, as necessary — very nimble — very quick-minded and very nimble — again, a credit to the departments' unbelievable response from the government perspective. The majority of the staff have now returned back to their substantive positions, and the government has taken steps to strategically recruit the staff necessary to support COVID-19 measures and also the public health services over the long run. We have learned as a government — the government officials and public servants stepped into action immediately and got into different positions, fighting a pandemic, and learned from that experience. I have been on the floor praising the Department of Highways and Public Works for the work that they have done in getting the virtual clients ready for folks to be able to work from home — unbelievable work compressed into a few hours and weeks compared to what the schedule was going to be — again, allowing individual workers to be able to be very, very resilient and responsive to the needs.

The conversations that we have been having since with public servants is about what a stronger complement of public servants that we do have. We have folks who have increased their skillsets, increased their communication capacity — not only internally within the government but also with First Nation governments and municipal governments. It is really important work.

That's good for now, I think. Maybe there are more questions from the member opposite. I did say that I have some specific answers to some other questions that the member opposite asked. I don't want the member opposite to have to repeat himself, so I will answer a few of those right now.

On October 8, the member opposite asked where money from decreases to departments went — specifically policing. Was it redirected to cost overruns in other departments like Health and Social Services? Specifically, the RCMP reductions and overruns in some departments — for example, Justice; that was his question. The *Territorial Police Service Agreement* was underbudget by approximately \$808,000. The First Nation policing budget required an additional \$510,000, thus resulting in a net lapse in this area of \$298,000. *Supplementary Estimates No. 3* does not redirect or transfer funds from one department to another nor does it identify offsets, contrary to what the member opposite would make you believe. The supplementary

estimate increased the vote in the departments where this is necessary, and all lapses are presented in the Public Accounts.

I will answer another one here. The member opposite asked for us to provide the cumulative total by department for personnel lapses. This does not relate to the 2019-20 *Supplementary Estimates No. 3*. It is where he was asking the question. I had committed that the Public Accounts will contain this information by department. I will note as well that the Yukon Public Accounts will show lapses for departments and programs. Personnel costs are mentioned in a note without variance information, for the member opposite.

There is one more specific question here — with some dollar values for the member opposite. The question from the member opposite was: What was the total cost of operating the Whitehorse Emergency Shelter? How much did Health and Social Services spend? How much did the Department of Highways and Public Works spend under Property Management? Were there other amounts from other departments? At the time, my response was that this doesn't relate to the bill that was in front of us at that time. I did say, though, that there was \$265,000 in staff and operations for the operation of the emergency centre in that particular bill that was on the floor when the member opposite asked the question. A better answer will be provided by Health and Social Services, Community Services, and Yukon Public Accounts. I do have a further breakdown from Finance. A total of \$5,022,130 in operation and maintenance, and also \$96,000 in capital. If you take a look at it from a departmental breakdown, that would be Community Services, \$31,500 for medical supplies, uniforms, program materials; Justice would have been \$65,147 for a community safety plan; and Health and Social Services, \$4,396,683 — and wages is \$3,587,927 of that number and operation and expenditures such as programs, materials, phones, et cetera was \$810,756. Of course, the \$4.3 million is broken down into two sections: the \$3.5 million and then the roughly \$800,000 for those particular needs.

Highways and Public Works — \$528,800 for utility costs, labour, installation of propane and doors, and capital costs of \$96,000 was for doors and rooftop access design. Again, Mr. Chair, as you can imagine, very specific numbers. That wasn't up for the debate at the time so I didn't have those numbers on me at that time. Those are some of the questions asked on October 8 that are now pertinent to this budget and this process, so I wanted to make that information available to the member opposite.

Mr. Cathers: I do appreciate that the Premier did answer some of the questions I had asked.

In the area of health, though, the Premier, in one part of his response to me, used the term "unbelievable response". That is how I would characterize the government's response when it comes to hospital funding. It conflicts with the information that we have been given by officials, it conflicts with what the minister herself said in the House, and it conflicts with the budget handouts we have been given by department officials, as well as the testimony of Hospital Corporation officials when they appeared in the Assembly.

I would ask the Premier — I know he doesn't like to provide breakdowns — to provide us with a legislative return or with a separate tabled document showing us where funding has been increased to the Hospital Corporation, because it certainly does not, by any of the information we have actually seen or heard from credible sources, appear to be reflecting increases in their core budget. Additional new programs, such as, for example, Meditech, which is now IHealth — we're very pleased to see that. We have been calling for it since at least May 15, 2017, when looking at the debate that I had with the Premier and the Minister of Health and Social Services at the time. We are very pleased to see them moving forward with it, but that additional money for a new electronic systems upgrade is valuable, but doesn't reflect core budget needs.

The Premier appears to be at best comparing apples and oranges. It may be a case of Liberal math. Until we have actually seen proof and evidence of it, the Minister of Health and Social Services has, on multiple occasions, had to walk back comments made in the Legislative Assembly where she has given incorrect information, and the Premier is not new to that himself. So, we are asking for a breakdown to demonstrate where that occurred.

We do recognize that the government has taken some steps this year to increase funding for the hospital. The point that I am making is that the pattern of neglect and the minister herself saying that they could only give the hospital a one-percent increase, as we discussed in debate in 2017 — as I mentioned earlier in my remarks — when we heard hospital officials confirming a shortage in funding for the 2019-20 fiscal year, all of those cost pressures create issues at the hospital leading up to the pandemic, which lead to the kind of problems that we've seen recently in terms of staffing.

I want to again move on to the number about the increases in government employees. I would point out that the Premier, in one of his responses, did confuse CPI and inflation. They are not the same thing, and the Premier should be aware of that as Finance minister. We recognize that when you have an area such as when the hospital funding is not growing to keep up with the rate of inflation, that is going to create unsustainable pressure going forward.

Moving back to the question of government employees, the Premier, of course, is trying to cast the question: Well, what would someone cut? But we are talking about a government that talked a good line at the start of its time in office about controlling the growth of government, and getting out of the business of doing business and all of these things. Yet, their response at every turn seems to be that their solution to every problem — real or perceived — seems to be to hire more government staff. As I pointed out, we have a time where Yukon families, especially many business owners and people who have been employed in the private sector — especially exposed sectors that have seen a downturn this year — there are a lot of Yukoners who are really struggling right now trying to get through the pandemic. When they hear that government is adding 118 new positions this year, which is on top of the 450 that the Premier confirmed were added — and I am referencing his comments to me during debate on March 21, 2019. The

Premier confirmed — and I quote: “Again, if all of these positions are hired, the total growth of FTEs by the end of the fiscal year will be 450...”

So, if you add that 118 on top of 450, we get a number in excess of 560 new government positions that have been created by this government, which again — since the numbers have varied from government — is hard to always be sure whether they have changed the numbers from the last we heard, but it certainly looks like a rate of growth in excess of 12 percent in government in the time that they have been in office, which, of course, is just four years now. So, it's a substantial rate of growth of government per year. Meanwhile — especially at this time, during the pandemic — Yukoners who are struggling are not really happy to see government just reflexively increase spending while going deeper into a deficit and leaving a bill that future governments and future generations will have to pay.

In doing my research for this budget debate too, I was noting as well, the time when the Premier — let me just back up a bit. As the Premier will recall, this summer, we expressed concern about the government's lack of a democratic approach in the dozens of ministerial orders that they have issued, as well as getting the federal government to increase the debt limit to double it during the middle of a pandemic without a single bit of debate in this Legislative Assembly about that decision. But we did have a prior debate when — after we had heard about the Premier's testimony to a federal committee, we asked the Premier about whether he was going to get an increase to the debt. In fact, the Premier emphatically denied that they had any interest in getting an increase to the debt. That is if you go back to May 2017 — what the Premier told us and what the government has actually done have been two very, very different things. So, it's concerning. Perhaps the Premier can explain why he emphatically denied any interest in increasing the borrowing limit and then turned around and did the opposite thing.

Hon. Mr. Silver: I'll start with the member opposite stating that the numbers are conflicting. The numbers aren't conflicting. The member opposite just refuses to believe the information that the department officials are providing.

Some Hon. Member: (Inaudible)

Hon. Mr. Silver: I don't know if he has a question — he's yelling at me from the opposition there. So, basically, it just doesn't fit his narrative.

You know, we've put in, over our four years — coming on four years now — a 29-percent increase to the Hospital Corporation, including, this year alone, nearly a nine-percent increase. Again, that conflicts with his information that we are somehow strangling — have a stranglehold on the corporation, which is just not true. That's a substantial increase from the funding levels from the member opposite. Again, we can agree to disagree on that, but these numbers are coming from the department officials. I will let them know that the member opposite doesn't believe the numbers that I'm giving him. I'm sure the public servants will be happy to hear that.

Some Hon. Member: (Inaudible)

Point of order

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

Mr. Cathers: The Premier seems to be in contravention of Standing Order 19(g), imputing unavowed motives to another member. That certainly is not what I indicated. I didn't indicate any lack of confidence in department officials. I did ask the Premier to actually provide us with a breakdown of the numbers and he still has not provided us that information. He can understand that we're a little skeptical.

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

Hon. Mr. Silver: This is clearly a dispute among members. The member opposite uses the painting brush like Picasso over there to paint pictures all the time. I'm merely giving my point of view on this.

Chair's ruling

Chair: On the point of order, I tend to agree with Mr. Silver. There is no point of order. It is a dispute among members, clearly.

Hon. Mr. Silver: Thank you very much, Mr. Chair. CPI is a measure of averages, changes, and prices over time that customers pay on a basket of goods and services, commonly known as inflation. That would be the definition of the CPI, Mr. Chair.

Essentially, it is a qualification of an aggregate pricing level in the economy. I don't know what his definition of CPI is, but I'm getting my definition, right now, from the Internet. So, we'll go from there. I'm sure he'll have something to say about that.

Again, when it comes to the numbers — the actual FTEs — very accountable telling about these numbers, this year in our mains we had 5,104.8 FTEs, plus we are now increasing that by 88.2. This is full time and part time, as we explained already. Of course, I won't go back and explain that again — the total now being 5,193 FTEs.

But I want to go back. The member opposite has a very selective memory as to increases. In 2019, the increase in FTEs that he referenced included a substantial number of positions at the Whistle Bend continuing care facility. I will jog your memory, Mr. Chair. The Yukon Party announced in the Legislative Assembly a 300-bed facility, which was a surprise to the departments, and then went ahead with a design for a 150-bed facility without actually calculating or forecasting the operation and maintenance budget, including FTEs. I don't know exactly why they would do something like that but, when we came into government, we had to do the hard work of getting those supports in place. Also the Whitehorse Emergency Shelter, also home care — again, I'm wondering for which one of these FTEs the member opposite is saying, "You shouldn't be growing government and you shouldn't be putting money toward these individuals because..." — I don't know, but that would be the reason there was an increase in FTEs in 2019 — a substantial reason for those increases.

The member opposite then is going over to debt limits. Yukon's borrowing limit was last increased in 2012 under the Yukon Party government to \$400 million. We did hear staffers

from the Yukon Party this summer saying that, if we are going to increase the debt limit, bring back the Legislative Assembly. I don't recall the Yukon Party asking in the Legislative Assembly to increase debt limits on the numerous occasions in which they increased the debt limits, yet from their staff posts this summer, we are supposed to do something that they felt that they didn't have to do.

Our current borrowing limit is \$209 million, most of which occurred under the previous government and covers loans for the Yukon Hospital Corporation and the Yukon Development Corporation. I told the House in 2018 that we raised the issue with the federal Finance minister. The member opposite would make it seem like I never said that, but he is quoting from Hansard and I don't think he is going to quote from that, but it is true. In 2018, I said that we raised the issue with the federal minister. The draft 10-year renewable electricity plan includes proposed projects that would cost in excess of \$500 million. Federal funding will be key to this — absolutely — to make sure that we keep the affordable plans for consumers and to minimize risks, but I guess what we are hearing from the member opposite is that we shouldn't be looking to invest heavily in renewable. Sorry — the \$209 million that I mentioned is the amount borrowed so far. It is not the borrowing limit — my mistake.

Again, the member opposite was correct in saying that this is a federal government decision, that it's not a Cabinet decision, even though their staffers are making it seem like it was a Cabinet decision that needs legislative scrutiny, which obviously didn't happen under the Yukon Party government, but now has to happen under our government, according to them. An increase in the debt limit does not mean that the money will be spent right away. It does give us the flexibility to move ahead on major capital projects. Like I said, this could include major infrastructure projects to support our green energy plans.

We cannot build a major infrastructure without incurring debt. I will direct my colleague across the way's attention to the Mayo B project under their watch. I guess the Yukon Party is not supportive of us increasing the borrowing limit, yet the borrowing limit was increased under the Yukon Party.

Anyway, our current borrowing limit is \$800 million. It is set by two regulations under the *Yukon Act*, which is a Canadian regulation. It is allocated between the Government of Yukon and the corporations, as we all know, and the limit was increased earlier this year, as mentioned by the member opposite. Of that \$800 million borrowing limit, set by Yukon borrowing limits regulations, \$590.5 million, or 73.8 percent, is still currently available to fulfill outstanding and future approvals of debt.

We are very pleased to present evidence of strong fiscal management, as noted in our double A credit rating that was issued by Standard and Poor's Global. It is interesting to note, as well, under this context, that S&P Global's rating, Yukon, affirmed a strong financial position, with a double A stable credit rating for this year. The rating is further confirmation that sound and stable financial management in the past has

continued and provided the scope to respond proactively in the pandemic.

A quote from Standard and Poor's rating report — and I quote: "We believe that the territory's debt policy is prudent: debt limits are legislated and outstanding balances are well below the limits."

Further quotes from the S&P's report — and I quote: "Yukon will continue to benefit from a very manageable debt burden and ample liquidity over the next few years..." I quote again: "... in the next two years, Yukon will maintain strong fiscal performance..."

I think that is important, Mr. Chair. The member opposite would paint a picture of us having to do something that his government didn't have to do, as far as Cabinet or legislative approval, which is not how it is done — and it wasn't done under his party either. But also raising questions about whether or not we are in a stable position when it comes to our debt and our debt limits — from Standard and Poor's credit rating, we are in an enviable position to most other jurisdictions in Canada.

Mr. Cathers: Mr. Chair, it is interesting that the Premier gets the federal government to double the debt limit after denying an interest in it previously, and then somehow compares that to previous increases that were far lesser amounts related to hydro projects, which — as the Premier knows — are right now currently preventing the Yukon government from having to burn more diesel. So, perhaps he would oppose those renewable energy projects like he opposed the construction of community hospitals in his own community of Dawson City and in Watson Lake.

Again, among the things that the government doesn't seem to get about both spending the public money and the orders that they have issued repeatedly under the *Civil Emergency Measures Act* this year is that we are talking about the public's money. We are talking about people's lives, when it comes to the *Civil Emergency Measures Act* orders. Ultimately, the government doesn't have much to lose by talking to people, but rather than doing their slanted engagement surveys — which we repeatedly hear complaints from Yukoners that they seem to try to steer people toward the answer that they want — actually doing public consultation on the details.

I have heard — and I have mentioned before in this House, and I am going to mention it again until the government actually listens and responds accordingly, which may or may not ever happen — if government were to ask people whose lives are being affected by the ministerial orders under the *Civil Emergency Measures Act* what is working, what isn't, and how they can improve it, they would get good feedback. Not every person's suggestion could be incorporated. We are well aware of the fact that it is not possible in a time like this to make every single person happy with every single decision, but that doesn't mean that the government shouldn't ask. There is not the slightest doubt in my mind that if government were to ask businesses and others affected by the orders for input on how they could be improved, there would be good suggestions that came forward. The same applies to the public finances. It also includes the decision to ask for an increase to the debt limit.

The government's plan is, apparently, to make a decision to sink future generations in debt without public consultation on that. This ultimately is money that Yukoners, their kids, and their grandkids will have to pay if this Liberal government chooses to go into debt.

It doesn't hurt government to ask people for their feedback, to see whether they would support it, and to present to them the full picture rather than simply asking high-level questions like: Do you like renewable energy projects? Might you support borrowing money for them? But to actually give them the details of the impact, both on power rates and the future taxation impact as a result of those decisions — ultimately, the decision is very likely to change in some way based on public input. The nature of how it will change can't always be predicted because the elected members of this Assembly do not have all the answers. We don't know everything that will be heard from affected businesses and citizens until they've had an opportunity to provide that. I can tell the Premier that I personally — and I know a number of my colleagues too — have benefited from talking to people, hearing their input, and using that input to improve what your previous plans were.

Now I want to again note, just briefly on the topic of the Whitehorse Emergency Shelter — as I was looking through previous debates on this matter — that previously, at one point, the Premier was telling us that the 40 positions associated with that facility would be temporary. We questioned it, but the Premier assured us then that the plan was for those positions to be temporary. Now we see that a project that went through without — the government made its decision to enter into it without Management Board approval. They still have yet to provide us with key details on the scope of the operation and they haven't told us what the total budget is now. We've heard disturbing reports that it has gone substantially overbudget. We know that previously officials told us it was costing \$4 million. The Premier told us it was only costing \$3.5 million, and that they've added money in this budget — I believe around \$800,000 that we know of this year related to the cost of it, but we still don't know the grand total. Ultimately, even if the government is proud of the programs that it is running, there is no reason that it shouldn't tell the public the full cost.

I want to go on to another area that we talked about in the spring briefly before we wrap up today. I asked the Premier at the time about the number of placer miners who are currently waiting for a water licence and if there were statistics on how many of those placer miners have been waiting in excess of one year and how many have been waiting for as long as two years. We know that people who are affected are often people in his own riding and are seeing their businesses impacted — including during this increasingly difficult time with the pandemic — by those delays. We know that the Premier has come out in support of the public hearing being held by the Water Board. We know that the draft wetlands policy has significant negative impacts on placer miners as well as agriculture, but we still are waiting for information from this government on how long the delays already are. Perhaps when the Premier next rises, he can provide that information as well

as provide us information about the negative impact on titled agricultural property from the proposed draft wetlands policy.

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

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

Are you agreed?

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Chair: Mr. Speaker, Committee of the Whole has considered Bill No. 14, entitled *Act to Amend the Environment Act (2020)*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 12, entitled *Act to Amend the Wills Act (2020)*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 205, entitled *Second Appropriation Act 2020-21*, and directed me to report progress.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:30 p.m.

The following legislative return was tabled October 27, 2020:

34-3-41

Response to Motion for the Production of Papers No. 19
re: 22 Wann Road costs (Mostyn)

Written notice was given of the following motion October 27, 2020:

Motion No. 295

Re: congratulating the Kwanlin Dün First Nation, the Little Salmon Carmacks First Nation, and the Carcross/Tagish First Nation on holding leadership elections (Mr. Gallina)