



# Yukon Legislative Assembly

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Number 54

3<sup>rd</sup> Session

34<sup>th</sup> Legislature

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## HANSARD

Wednesday, October 28, 2020 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2020 Fall Sitting

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

### CABINET MINISTERS

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

### GOVERNMENT PRIVATE MEMBERS

#### Yukon Liberal Party

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

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

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

### LEGISLATIVE STAFF

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Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
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Deputy Sergeant-at-Arms	Joseph Mewett
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Wednesday, October 28, 2020 — 1:00 p.m.**

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

*Prayers*

**Withdrawal of motions**

**Speaker:** The Chair wishes to inform the House of a matter regarding the Order Paper. Motion No. 293, notice of which was given yesterday by the Member for Copperbelt South, was not placed on today's Notice Paper, as the motion is not in order. Standing Order 29(1) of the Standing Orders of the Yukon Legislative Assembly states — and I quote: “A motion is used to propose that the Assembly (a) do something; (b) order something to be done; or (c) express an opinion on a matter.”

In Motion No. 293, the Assembly is not being asked to do something, nor is the motion ordering something be done, or asking the Assembly to express an opinion on a matter. Instead, the motion seeks an explanation to do with a statement in the *Yukon Parks Strategy*. The Chair reminds members that they have a number of ways that they can seek this kind of information, including in the form of written questions or questions during oral Question Period.

**DAILY ROUTINE**

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

Introduction of visitors.

**INTRODUCTION OF VISITORS**

**Hon. Mr. Streicker:** Please welcome a number of guests who are here today to listen to the tribute that we are going to pay to Charlie McLaren. We have Sharon Norman, Deborah Pitt, TamaraLyn Young, Ross Dorward, Tim Turner-Davis, Chuck Austin, Fred Van Delft, Wade Hanna, Sharon Russell, Chris Reynolds, Jon Schmidt, Peter Densmore, and Blair Corley. If we could welcome them, please.

*Applause*

**Hon. Ms. McPhee:** I am asking my colleagues to join me in welcoming Jean-Sebastien Blais and Marc Champagne here as the president and executive director of the Commission scolaire francophone du Yukon for today's ministerial statement. Welcome.

*Applause*

**Speaker:** Tributes.

**TRIBUTES**

**In remembrance of Charles McLaren**

**Hon. Mr. Streicker:** I rise today on behalf of the Yukon Liberal government and the Yukon NDP to pay tribute to the late Charles McLaren — Charlie.

Charlie was a fire chief, an architect, a physicist, an artist, and an adventurer. Charlie passed away in June of this year.

I first met Charlie as an architect. Charlie was a truly exceptional and prodigious member of the architectural profession. He was talented, prolific, and dedicated to his work. He was also unabashed in sharing his opinions. Charlie was determined to speak his mind and tell it like it is — frequently writing his thoughts in letters to the editor.

His successful projects are everywhere in the territory. His contribution to the built environment — to the fabric of our communities — is remarkable.

Here are just some of Charlie's projects: Tombstone Territorial Park visitor reception centre, the Da Kù Cultural Centre in Haines Junction, the Workers' Compensation building and addition and the Nuvo Building across the street, Pelly Crossing's arena and community hall, the Selkirk First Nation's administration building addition, Kilrich, Klondike Motors, the Frank Slim building in Shipyards Park, Mah's Point — our first six-story building here in Whitehorse — Ross River's sixplex, Mayo seniors housing, Gateway housing, Aspen Court in Riverdale, the Crocus Glen housing development, a Pentecostal church, Tr'ondëk Hwëch'in's administration building in Dawson, Parkside Place housing, l'Association franco-yukonnaise's main admin building, Christ the King Elementary School's addition, Ross River School, Hidden Valley School, Holy Family School, Whitehorse General Hospital's ambulance station, the City of Whitehorse's Public Safety Building at the top of Two Mile Hill, the Carcross fire hall, City of Whitehorse Fire Hall Number One, the Whitehorse airport fire hall addition, and the Golden Horn fire hall — where, to top it all off, Charlie was the volunteer fire chief.

I spoke with several of Charlie's colleagues after he passed. I know they were working to complete building projects he had underway. Here is how one of them put it to me: “Charlie was the last of the old school architects, with a terrific skill set... fair at all times in spite of his occasional grumpiness. He gave great value to all.” He will be missed.

I next got to know Charlie as an advocate for safety and community preparedness. We spoke often about interface fire risk and how Golden Horn would be critical in keeping Whitehorse safe. Based on our conversations, we chose to run this very specific scenario as part of Operation Nanook with the Canadian Armed Forces last year.

He was a vital member of the Yukon fire service and a strong leader for Golden Horn and the Southern Lakes. For over 26 years, Charlie served the communities of Whitehorse, Marsh Lake, Mount Lorne, and Golden Horn as a volunteer for, and then as chief of, the Golden Horn volunteer fire department.

Charlie was proactive within his community and was always calm in the face of challenges during many incidents over the years. He was passionate about his crew, his community, and firefighting. During his tenure as chief, Charlie promoted a comprehensive team approach to the fire service. Under his leadership, the Golden Horn fire hall was an inclusive place where firefighters enjoyed spending time and working together to solve problems.

Charlie organized top-of-the-line training for his crew, providing scenario-based and challenging learning opportunities to volunteer firefighters in the Golden Horn community. When Charlie retired as the Golden Horn fire chief in 2019, he left a legacy of an organized and well-trained department on the path to success of professional service delivery.

As I have already noted, Charlie also left his mark on the Yukon fire service by designing multiple fire halls in the territory. Charlie leaves a legacy of an active fire hall dedicated to protecting Golden Horn and the surrounding communities. He will be missed.

This past summer, during the pandemic — during this awful, awful year — Charlie learned that he had terminal cancer, so he and Sharon got married. He will be missed.

Today, on Denim Day, we are grateful for Charlie's years of community service, his dedication to keeping his neighbours and all Yukoners safe, his contribution to building our territory, his love of Sharon and his friends, and his love of the Yukon.

*Applause*

**Mr. Cathers:** While I will be much shorter than the minister, I do want to, on behalf of the Yukon Party Official Opposition, rise to pay tribute to Charles McLaren as well as extend our thanks for all of his contributions to the Yukon, including his service to the community and the Yukon as a fire chief and volunteer firefighter, and thanks as well for his work as an architect.

As the minister noted, he is responsible for the design of a long list of buildings throughout the Yukon. I would like to particularly thank him for his excellent work in designing multiple fire halls as well as ambulance stations and schools and thank him for the high-quality, functional, and efficient designs that he was responsible for. I would like to close by expressing my sincere condolences to his family, his friends, and all of his colleagues.

*Applause*

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

## TABLING RETURNS AND DOCUMENTS

**Hon. Ms. McLean:** Pursuant to section 7(7) of the *Historic Resources Act*, I have for tabling the Yukon Heritage Resources Board annual report for 2019-20.

**Hon. Mr. Pillai:** I have for tabling a legislative return concerning questions that were asked last week by the Official Opposition.

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

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

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

THAT this House support the tourism cooperative marketing fund in response to the COVID-19 pandemic.

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

THAT this House urges the Government of Yukon to recognize the contribution that Yukon community museums and cultural centres make to tourism and to include the Yukon Historical and Museums Association in discussions and planning for the COVID-19 tourism recovery plan.

I also give notice of the following motion:

THAT the chair and members of the *Child and Family Services Act* Review Advisory Committee appear as witnesses in Committee of the Whole prior to the end of the 2020 Fall Sitting of the Yukon Legislative Assembly.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to encourage ATCO Electric Yukon to clearly communicate the impact of and rationale for planned outages to minimize safety concerns and inconvenience to area residents.

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

THAT this House congratulate BMC Minerals on their receipt of a positive recommendation from the Yukon Environmental and Socio-economic Assessment Board for the ABM mine at the Kudz Ze Kayah project.

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

THAT this House urges the Minister of Highways and Public Works to provide:

(1) the original budget and final cost for the francophone high school; and

(2) how long it was delayed from the original completion date.

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

## MINISTERIAL STATEMENT

### Le Centre scolaire secondaire communautaire Paul-Émile Mercier

**Hon. Ms. McPhee:** I am pleased to inform Yukoners about some recent milestones in the relationship between the Government of Yukon and the Yukon francophone school board, la Commission scolaire francophone du Yukon, also known as CSFY.

In 2009, the CSFY filed a lawsuit against the government of the day alleging that it was failing to meet its obligations under section 23 of the Charter and requesting several court

orders to increase its management and control of French first language education in the Yukon.

After a long trial and appeal process, rather than conduct another trial, the parties established a settlement committee to try to resolve outstanding issues from the lawsuit. This settlement committee worked diligently and persistently over the past four years and, this spring, successfully reached a settlement, ending the legal battle that lasted over a decade.

Our government worked with the settlement committee to clarify the roles and responsibilities in managing French first language education in the Yukon in a way that respects the requirements of the *Yukon Education Act* and the *Canadian Charter of Rights and Freedoms* with respect to minority language education rights.

I would like to take this opportunity to acknowledge and commend the many government and CSFY officials for their combined efforts and commitment to this complex work and their achievement.

Mr. Speaker, we have established the future path for the administration of French first language education in the territory as one of respect and cooperation. Part of the settlement included the building of a French first language secondary school. I am proud to say that the final touches are underway for the new school which is on track to open for students in mid-November.

This innovative school and its community spaces will provide modern, flexible learning spaces for students and community groups. It is a great example of a successful project that was designed, managed, and built locally on time and on budget. This project has increased local skills and is a testament to Yukon craftsmanship.

The school is part of the campus model for the Riverdale education reserve where students, groups, communities, and cultures can gather, learn, and play in a variety of facilities. The CSFY held a community contest to come up with a name for the high school. The winner was: Le Centre scolaire secondaire communautaire Paul-Émile Mercier. Paul-Émile Mercier was a francophone Yukoner responsible for mapping important Yukon river navigation routes during the turn of the last century.

Permission to use his name was granted by the former federal MP for Outremont, Québec and former leader of the federal NDP, Thomas Mulcair, who is Mr. Mercier's great-grandson.

Mr. Speaker, the settlement of the lawsuit and the construction of the new school reflects a renewed partnership between our government and the CSFY. We look forward to our continued good work together to effectively support the learning needs of French first language students and all Yukon students.

**Mr. Kent:** I am pleased to stand here today in response to this ministerial statement. I would like to congratulate Yukon's francophone community on being able to occupy this new facility in the near future, and I thank Ketza Construction and all the contractors who worked on this project.

In 2013, when I was Minister of Education, we began discussions with CSFY and the francophone community about what a high school would look like and where it would be located. I attended a public meeting at École Émilie Tremblay and heard from parents and students on both sides of the issue at the time. That work continued for the balance of our government's mandate and, in the end, the current site was chosen. Now we see a brand new school soon to be occupied by students.

I do have some questions for the minister that I hope she is able to answer here today, however. On June 28, 2016, the minister in her role as the co-chair of the F.H. Collins Secondary School Council wrote to the former Minister of Education Doug Graham expressing several concerns about the new francophone school and its location. That e-mail has been tabled in the House and I will table it again here today. In it, the minister complained about the F.H. Collins school community deserving to have their project completed before any more construction took place. The minister also complained about an influx of traffic into Riverdale and the disruptions that would cause. The minister said that there was no evidence that francophone students would be retained in the new school if it was located close to F.H. Collins. Finally, the minister complained that F.H. Collins would not want to share the tech wing with francophone students.

I am hoping that the minister can tell us if she has changed her mind on all these issues and what prompted her to do so. We know that this project has been delayed and is substantially overbudget. An April 2019 article in the *Whitehorse Star* stated — and I quote: “The overall budgeted cost for the francophone high school in Riverdale has grown from \$27.5 million to \$35.3 million — just shy of an \$8-million increase in under a year.” So, \$7.5 million of that original budget was to come from the federal government. We know that the project is over a year late in being completed. I am hoping that the minister can confirm the full amount of construction and if additional funds were asked for and received from Canada as a result.

The other issue I wanted to raise with the minister is around capacity of the school. In the e-mail that I just tabled, the minister, a school council co-chair at the time, was complaining that the new school was being built for 250 students. In June of 2017, the minister reduced the capacity to 200, according to a CBC article that stated — and I quote: “The school would be designed for 200 students, which is many times the current enrolment of Whitehorse's French-language high school program”, and the minister says that “... it's appropriate to plan for future growth.”

Then, on December 13, 2018, a *Whitehorse Star* article stated: “It is during that school year (2020-2021) that up to 150 students from Grades 7 through 12 will call the new site home after being moved from École Émilie-Tremblay.”

Why did the minister shrink the school capacity by 100 students from what it was originally designed for in June 2016 before she was elected? When does she anticipate that it will be full, given current enrolment numbers?

So, Mr. Speaker, in conclusion, I would again like to wish all of the students, teachers, and parents well as they embark on

an exciting new chapter in their learning with this brand new facility located here in Whitehorse.

**Ms. White:** Ça me fait plaisir d'avoir la chance de parler du nouveau Centre scolaire secondaire communautaire Paul-Émile-Mercier, ou CSSC Mercier.

L'École Émilie-Tremblay grandie plus rapidement en étudiant qu'en locaux depuis plusieurs années. Sans pouvoir accommoder plus d'étudiants, les Franco-Yukonnais n'avaient pas la chance d'atteindre leur plein potentiel et de même pour les ayants droit yukonnais.

Ça fait maintenant plusieurs années que les problèmes d'espace à Émilie-Tremblay se font ressentir dans toute la communauté de Whitehorse. C'est un problème qui existe depuis plus d'une décennie. Je me souviens d'avoir eu comme camarades de classe en immersion française des élèves de l'École Émilie-Tremblay qui avaient changé d'école pour cette raison.

Après que le gouvernement du Yukon refuse de faire face au problème, c'est la Commission scolaire francophone du Yukon, numéro 23, qui l'a poursuivi pour garantir aux Franco-Yukonnais leurs droits à l'éducation en langue minoritaire. Le CSSC Mercier est un testament à ce droit et à l'apprentissage en français.

La nouvelle école est un exemple de ce qu'une école secondaire devrait être aujourd'hui. L'espace a été créé avec les étudiants en tête et encouragera le développement et l'apprentissage de ceux-ci dans les années à venir.

J'espère que le gouvernement du Yukon apprendra lui aussi de cette nouvelle école, et prendra pour acquis que la construction d'écoles au Yukon est une opportunité de renouveler notre dévouement à l'éducation.

Félicitations pour la construction du Centre scolaire secondaire communautaire Paul-Émile-Mercier par des compagnies d'ici, pour des gens d'ici.

Félicitations à la communauté franco-yukonnaise de s'être tenue debout et pour avoir défendu le droit à une éducation de qualité pour toutes et tous.

**Hon. Ms. McPhee:** I definitely want to take this opportunity to thank our visitors here today for attending. I'm happy to thank the members opposite for some of their comments.

As Minister of Justice and Minister of Education, on this particular file, I wore two hats when it came to working to resolve the issue. I want to thank the officials in both departments for their work on this file over the last four years and certainly the officials and staff at the CSFY. I'm taking the opportunity to acknowledge and to thank them and both the officials and the trustees for their effort and truly for their commitment to reaching this settlement. There were many meetings and there were many times when we had bumps in the road, but at no time was there ever a question about our interest in resolving this matter together and making a positive relationship going forward.

The settlement reflects a renewed partnership between our government and the CSFY, focused on the learning needs of

Yukon students. Going to court to resolve issues is extremely expensive. The previous Yukon Party government spent some \$3 million in legal fees initially fighting this case for many years through the courts. That is \$3 million that could have been spent to pay for student services, for services for students or teachers, or for improving our learning environments.

Yukoners will also recall another major court case, the Peel land use plan, where over \$500,000 was spent through the courts process. This is not the way that our government wants to resolve issues. We have taken a different approach, and a successful resolution of both the Peel land use plan and now the settlement of the lawsuit with the CSFY demonstrates that this approach can work.

As I mentioned earlier, the French secondary school is almost complete and we're excited that students will be able to move in soon. I understand there are some 82 students ready to move into that location and they are excited to do so. The location in Riverdale is next to F.H. Collins and it will maximize the opportunity to share some spaces and to serve our students and our community.

I'm also pleased to say that the new secondary school was built by a local Yukon community, Ketza Construction — the president of which was here earlier. Yukoners will be pleased to know that this project has increased local skills and is a true testament to Yukon craftsmanship.

The settlement — I had the opportunity to visit the school while it was being built and to speak with many of the tradespeople on-site — the architect and others. They are so proud of this building — and they should be.

The settlement of the lawsuit and the construction of the new school reflects a renewed partnership between our government and the CSFY — a new approach to solving problems and a new approach to dealing with issues that arise in our community. We look forward to our continued work together to effectively support the learning needs of the French first language students and all Yukon students.

**Speaker:** This then brings us to Question Period.

## QUESTION PERIOD

### Question re: COVID-19 pandemic impact on education system

**Mr. Kent:** On CBC Radio this morning, we heard directly from parents who are finding that the Liberal government's decisions around school busing are making their lives more difficult. We have seen articles quoting parents who are very critical of the government, and we have also seen social media traffic critical of the Liberals' decisions around busing, including a post from one parent who had to spend money to put their kid in a cab this morning because they were not allowed on the bus.

So, we have parent after parent coming out and criticizing the government's reopening plans. However, the minister has claimed for weeks that it is only the opposition criticizing her government's poorly-thought-out school reopening plan.

So, will the minister now acknowledge that her decisions on the school reopening plan are making life more difficult for many Yukon families?

**Hon. Ms. McPhee:** I am pleased to be able to rise today to address this question. Yukoners are, of course, appropriately concerned about the effect on their lives of COVID-19 and the COVID-19 pandemic and the restrictions that have been adapted and adopted for the purposes of keeping us all safe.

Yukoners have worked amazingly hard over the last number of months to keep each other safe, but we must be vigilant. The so-called second wave has certainly reached Canada. In our estimation here as Yukoners, it has reached us here as well. There are new cases — small clusters — however, we must remain vigilant. We must also all take our breaths and have some perspective with respect to this situation. It is not going to end soon.

With respect to Yukoners' concerns — we are hearing parents. We are dealing with families on a one-by-one basis. I have a lot of additional information, which I am happy to get to in the additional questions which no doubt will also be on this subject. But I really wanted to take the opportunity to thank all those involved with our schools — with our school busing with students, in particular — who have put the students first, who are thinking about those students, who are being patient and kind with one another, and who are being vigilant.

**Mr. Kent:** Last week, the minister was very dismissive of parents' concerns, saying that it actually puzzled her that they were concerned about her reopening plan. The minister said that high schools in Whitehorse will return to full-time in-person instruction when it is safe, but she cannot tell us why it is safe for a grade 9 student to attend full time but it is not safe for a grade 10 student at the same high school to attend full time.

Yesterday, we asked her this, and she dismissed the question. We were just trying to understand why the minister made this decision and would hope that they would be willing to explain that decision.

I will just remind the minister that, on July 22, the Premier was asked who made the decisions around the school reopening plan, and he confirmed that all the decisions were made by the minister and the Liberal Cabinet. All we want is for the minister to explain how she arrived at the conclusion that a grade 9 student can attend full time but their sibling in grade 10 cannot.

**Hon. Ms. McPhee:** I just want to clarify some of the information presented there. I certainly haven't been dismissive of anybody's concerns. I have not and would not be dismissive of a Yukon constituent in any case. This is a serious matter; these are serious concerns. Children in school and the safe return of children in school has been a top priority for us — certainly for the work that I have been doing since the middle of March when the pandemic arrived here in the territory with a bang — although it existed in Canada before that.

The operational adaptations with respect to having the grades 10 to 12 students at the three larger high schools in school part time — or half time — were based on a number of criteria. They were based on the recommendations from the chief medical officer of health; they were based on operational

adaptations developed by those schools; they were based on the administration's advice, teachers' advice, school councils, and others involved in the safe operation of those schools.

They were based on advice from the health and safety guidelines, and they were based on the concept of ensuring safe spacing, managing traffic flows, and limiting the mixing of groups of students in those three largest high schools.

**Mr. Kent:** Just to remind the minister — because she left out her colleagues — that on July 22, the Premier was asked who made the decision around the school reopening, and he confirmed that all decisions were made by the minister and the Liberal Cabinet.

Another question we asked the minister yesterday was about her lack of a plan for getting classes back to full time at Whitehorse high schools. Specifically, we asked: What are the conditions required for the minister and the Liberal government to deem it safe enough for students to go back to full time? Yukon parents want to know this so that they can plan and they know when their kids can go back to school full time.

So, we'll ask again: 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'm happy to have the repeat question. I'm happy to have the opportunity to speak to Yukoners again about the answer.

We will only be able to return all grades 10 to 12 students to Whitehorse full-time classes in the three schools that are affected here in Whitehorse when it is deemed safe to do so.

The operational adaptations have been based on advice from the chief medical officer of health. It continues to be our priority to return as many students to classes in schools full time within the health and safety guidelines for the K to 12 school students and those settings as soon as it is possible to do so. Our planning is underway for the longer term secondary program adaptations for the second semester to ensure that we are meeting students' learning needs.

We are assessing this on a daily basis. It is complex work that takes time. The potential of involving changes — it could involve changes to course scheduling, to staffing, to place and space adaptations, and to student transportation.

We truly appreciate, Mr. Speaker, the patience and the consideration being shown by everyone and we ask everyone to please focus on the needs of students and to support them through this very difficult time.

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

**Mr. Cathers:** Mr. Speaker, 111 days ago, the Liberals announced that they would not be allowing grades 10 to 12 to return to full-time in-person instruction. This is also when they announced a new limited school bus schedule that excludes hundreds of students.

Yukoners have been looking for a plan from the government to fix these issues and they still have no answers from this government. The reality is that changes to busing and online instruction are having negative impacts on Yukoners. A parent told us that their high school student spends hours on the bus to school to only attend a half day and then they have to

spend hours on the bus getting back home after their half day, which means that they're unable to do their online learning for that part of the half day.

Can the minister tell us when she will finally provide a plan to fix this problem?

**Hon. Ms. McPhee:** I think I've said it, but I'm happy to repeat: We will be able to return grades 10 to 12 to full-time class at the three largest high schools here in Whitehorse when it is safe to do so. The members opposite don't seem to understand that this is based on safety protocols — health and safety concepts. The opportunity for grades 10 to 12 students to be in front of a teacher five days a week is an important aspect. It's also based on encouraging students and supporting them through independent learning as they end their high school careers.

The adaptations have been necessary to support the spread of COVID-19 and to keep communities safe and healthy.

**Mr. Cathers:** The minister needs to back up her words with action because, otherwise, they are just empty words. This is another case of autocratic top-down decision-making by this government. The reality is that the minister's decisions have created huge issues for Yukon students and families. Many families are finding that they are left behind when it comes to busing. This means that families are having to decide whether parents show up to work late or leave work early to drive and pick up their children. Approximately 250 students who had school bus transportation last year no longer have it due to the minister's decisions.

Yukoners have been waiting for a plan from the Liberals for over 100 days, but so far, they have received nothing. Will the minister commit that every student in every household who was provided a spot on school buses last school year will once again be provided a spot during this school year? When will she make that happen?

**Hon. Ms. McPhee:** Sorry, Mr. Speaker, it is just not possible to do that. The pandemic is changing on a daily basis. We have more information and we make decisions with the best information that we have at the time. We are continually reassessing that information so that we can make decisions on behalf of Yukon students to support them through this very difficult time.

School busing in the 2020-21 school year has been adapted to follow the chief medical officer of health's guidelines specifically for school bus operations. These adaptations are necessary to prevent the spread of COVID-19 and to keep our communities and our children safe. Because of these necessary changes, we have not been able to accommodate as many families requesting school busing as we have in previous years. Nonetheless, we have been able to assign — and have done so — all eligible students to a school bus this year, which is approximately 1,752 students.

In addition to this, we are working with the school bus provider to add some additional buses so that we might be able to support more students and their families. We appreciate the patience and the consideration shown by everyone in this case. In normal times, there is greater capacity on the buses, and we

have been able in the past to accommodate additional students that were not eligible under the rules to ride the bus.

**Mr. Cathers:** That is not much comfort to hundreds of parents and students who are being affected by this. This government has been slow to act and has had a pattern of autocratic, top-down decisions throughout the pandemic.

Last week I asked the minister about the government's plans to purchase three additional school buses to help address some of these concerns and provide more capacity. These three buses were a small glimmer of hope for Yukon families who are struggling with student transportation.

The deputy minister was on CBC Radio this morning and said that the Liberal government is still waiting for these buses. It has been over 110 days since the minister announced her school reopening plans, so our question is: Why are we still waiting for buses? Why weren't these buses ordered earlier — ordered months ago — so that families aren't sitting here, in the winter, waiting for a faint glimmer of hope and help with the problems that are currently negatively impacting their lives?

**Hon. Ms. McPhee:** Again, I appreciate the opportunity to stand and speak to Yukoners about the importance of having our children return to school safely. There has been some criticism from the members opposite, and from some other Yukoners, about the return-to-school plan. We had a plan and we continue to have one. It is being assessed and developed as we speak. We implemented that plan, Mr. Speaker, upon the advice and guidelines of the chief medical officer of health. Through the hard work of administrators, teachers, educators, school councils, First Nation governments, and other partners, we executed that plan. The plan has resulted in returning almost 5,700 students back into school every day for the past two months — safely, in the midst of a pandemic.

With respect to the school buses, we have ordered them; we are expecting them to arrive. We have ordered three extra school buses. We are not going to put children at risk or students at risk by either returning grades 10 to 12 too soon or by not following health and safety guidelines. As one small example of the school bus issue and what is happening in just one other jurisdiction in Canada — Newfoundland has ordered and is waiting on 148 new school buses.

I think that some perspective in the Yukon is great and we ask for continued patience.

#### **Question re: COVID-19 pandemic impact on education system**

**Ms. White:** The safety of Whitehorse grades 10 to 12 students to return to full-time in-person classes is a priority; nobody disputes this. What the minister doesn't seem to understand is that families need to know if this will happen in January, after the holiday break, or not. Planning for everything from rides to tutors to extracurricular activities depends on whether students will be back to full-time in-person classes in January.

Now, I realize that the minister is not going to make this announcement today in the Legislative Assembly, but can she at least tell Whitehorse parents and grades 10 to 12 students



when the government will decide whether or not they will go back to full-time in-person classes after the holiday break?

**Hon. Ms. McPhee:** We continue to assess and evaluate the plan, which needs to continue to evolve and respond to the needs of all of our Yukon students, particularly with respect to grades 10 to 12 students who are back in school — and when they can be back in school for full days. We have heard from a number of parents and students indicating that the current situation suits their students and their student learners just fine. We have equally heard from students and parents who have said that this is not optimum for their families. We understand that. We continue to work with those families to support those students through this unusual situation, and we continue to work diligently and every day on how we can respond and provide Yukon students with the education that they deserve.

**Ms. White:** We have heard before about the issues that students and parents are facing. Whether it's about providing rides to and from school or about helping students with their homework, many parents are at their wits' ends. Families need to be able to plan for January and beyond. Do parents need to change their work schedules? Do they need to figure out a carpooling plan? Do students need more academic support, or do they need to drop out of extracurricular activities? The uncertainty is adding unnecessary stress to families. They need to know if the spring semester will be full- or part-time in-person for grades 10 to 12 students so that they can plan the rest of their lives.

Can the minister simply tell families when and how the government will make this decision? Will it be in November, December, or before classes start in January?

**Hon. Ms. McPhee:** Actually, there is nothing that I would rather tell Yukon families, to be frank with you, than when things will return to normal. I defy anyone to be able to tell them that. We cannot predict the course of this pandemic. We cannot predict the course of the epidemiology. We cannot predict the course of COVID-19 spread in the territory or in Canada and throughout this country or, frankly, throughout the world. We have worked diligently to plan, to return some 5,700 students to Yukon schools across the territory safely. We have managed to keep them safely in those schools through the hard work and diligence of Yukoners who are abiding by the rules to protect each other from COVID-19 throughout the last two months. Many a school in Canada has opened and ultimately closed again or sent students home for two weeks. Many a school board or school program in this country has not provided busing at all. They are adapting their best to the circumstances that they have; we are doing that here in the territory, and while I completely understand the concerns of Yukon parents, we are assessing it, we are working, we are listening to them, and we are doing our very best to have children back in school full time as soon as it is safe to do so.

**Ms. White:** We've been in a pandemic for eight months now. Parents are sensible. They understand that the situation can always change, depending on COVID-19 and the recommendations of the chief medical officer of health. Parents and students just want to know if a full-time return to class is even on the table for January. It's essential that students,

teachers, and parents have that information as soon as possible, because they will need to plan accordingly.

We're not even asking for the date of a full-time return to school for students; we are making a simple request to reduce uncertainty for parents. Tell us when the decision will be made. Is a return to full-time in-person classes for grades 10 to 12 students in January an option this government is even considering?

**Hon. Ms. McPhee:** I realize, in answering a myriad of questions on this topic — which are incredibly important to Yukoners, and I'm happy to continue to do so — that I may have been unclear that we are assessing all options with a priority of having grades 10 to 12 return to school as soon as possible, as soon as it is safe to do so, as soon as the epidemiology and the recommendations from the chief medical officer of health here in this territory, who works extensively with the other chief medical officers of health across the country to determine the safety for our children.

We will continue that work. I wish that I could provide some more certainty, some dates, some end date to a COVID-19 pandemic — I wish that extensively; it is not a possibility. We must make every single decision with the best available information at the time, and that's what we're doing.

#### **Question re: Community banking services contract**

**Mr. Hassard:** Yesterday in Question Period, the Premier said — and I quote: "... 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."

Now, I agree wholeheartedly with the Premier. Unfortunately, his actions don't line up with his words as three communities are without that extremely essential service.

So, can the Premier tell us when the communities of Carmacks, Pelly Crossing, and Mayo will have access to banking services?

**Hon. Mr. Silver:** I do appreciate the question from the member opposite. There is a staffing issue and these are issues that are being worked out by the company, CIBC — still trying to resolve some staffing issues.

The Mayo office, for example, did have staffing issues which are now resolved. The office is scheduled to open on Tuesday, November 3, 2020.

CIBC is still resolving some staffing issues in Carmacks and they are working on a solution there as well. We appreciate people's patience.

The Pelly Crossing agency has been a problem for a while now. They have not been able to find — CIBC has not been able to find somebody to work — and this even goes back to the previous contract owner. TD banking had a problem as well to find somebody since March of this year. CIBC inherited this problem and is now working to secure a local employee in the community and is striving to open by the end of November.

**Mr. Hassard:** The ability to pay utility bills is now gone and elderly customers are being forced to do online banking. The Premier promised that this would be completed by October 15. He also said he would ensure that the transition would not

make life more difficult for rural Yukoners, but the reality is that this is a real challenge for many people in rural Yukon.

Yesterday, the Premier told us it wasn't an issue and he even had an updated briefing note to prove it. Well, if the Premier had spoken to any of the rural MLAs in this Legislature, including members of his own caucus, he would have known that everything is not all right. The entire riding of Mayo-Tatchun is without banking service, and Yukoners in almost every other community are running into major issues.

Has the Premier bothered to ask any rural Yukoners how the transition to the new community banking is working? Or does he only rely on briefing notes?

**Hon. Mr. Silver:** Mr. Speaker, I never said yesterday that this was not an issue. What I did say was that I wasn't sure if the members opposite were categorizing the issue properly, and they weren't.

Again, with the new contract that is in the community, it's a good opportunity to talk about the new look and the new feel of banking. It is going to be different, but the services are still available. We know that there are some issues with some staffing and those are being worked out.

The outline of changes — manual bill payment no longer is accepted, but agents can still assist customers with paying bills online or via telephone banking. That's not asking anybody to buy any new devices; all that can happen within the agencies — noting that the manual bill payments are no longer accepted in full-service branches either. This is a modernization of the companies themselves — not an issue that is just in the rural communities of Yukon.

Individuals without access to technology actually can access online banking by using the provided iPads in the agents' offices. There is no requirement or expectation that individuals will need to buy new hardware and CIBC is working to improve communication with community members, with financial literacy, starting with the individual agents who are critical in helping to move individuals along this path of modernization that we're seeing across the country.

**Mr. Hassard:** I'll quote: "THEREFORE BE IT RESOLVED: The Association of Yukon Communities requests that the Minister responsible for the community banking agreement works toward ensuring that the services agreed to within the contract are being fully met and are reasonable for all rural Yukon."

Many of the issues that I've spoke of today would have been resolved had the minister talked to AYC beforehand.

My question is simple: Why did the Premier choose to ignore AYC's request to be involved?

**Hon. Mr. Silver:** Mr. Speaker, I did answer this question yesterday. We haven't changed anything on the procurement system compared to previous governments — the opposition's procurement methods when it comes to the banking contracts in the communities.

We do appreciate that this does mean a change to the communities and this does mean that some aspects of community banking are different. The Department of Finance continues to work with CIBC to ensure that Yukoners have access to banking services. With some methods of paying bills

and making deposits — they're definitely changing, again, across Canada. Clients with accounts can still deposit cash. They can still pay bills at the community banking agencies and through an online system as well.

This is in line with the more general shift by the banking industry, as I mentioned, to online banking models which means that manual bill payments are no longer accepted in full-service branches either with the exception of governments' remittance.

Agents are on hand to assist customers in paying bills online or via telephone banking and iPads are being installed so that individuals do not have to use their own technology for these services.

Again, Mr. Speaker, what we're seeing here is an issue with staffing that is being resolved, hopefully, as soon as possible by the agency that took on the contract. We're also seeing a modernization of services right across Canada that we're seeing in line with what's happening in rural communities here in Yukon.

#### **Question re: Southeast Yukon forestry plan**

**Ms. McLeod:** During the 2016 election, the Yukon Liberals announced various supports for the forestry industry. In an October 26, 2016, Liberal news release, they committed to a forestry plan for southeast Yukon for commercial harvesting. Four years have now passed since this commitment was made, and with this government entering the final year of their mandate, can the minister tell us if this southeast Yukon forestry plan is complete, and if not, when can we expect it?

**Hon. Mr. Pillai:** I do appreciate the topic of forest and timber access coming to the floor of the Assembly. It's not something that we talk about a lot. First, it is important to understand why this has really become such a significant topic.

We are seeing very strong demand across the Yukon right now. We have got some of our retail operators who are requesting more fibre than we have seen before — whether it be small milling operations here in Whitehorse or in areas outside of Whitehorse — there is still an interest and demand for that.

Concerning the work in southeast Yukon — and I will answer more on questions 2 and 3 — right now there is a very significant permit that has been provided to the First Kaska. They have not come even close, as far as we are aware, to what is there for quota. We are continuing, through the Forestry branch — had meetings over the last two weeks to ensure that we are back at the table. Those talks have not been as fruitful as we would have wanted.

I have asked, now that we see new leadership with LFN, that we re-engage and I look forward to questions 2 and 3.

**Ms. McLeod:** I thank the minister for his response. According to yukon.ca, the Whitehorse and Southern Lakes Forest Resources Management Plan will guide a number of forestry issues in the region. Two of those principles are how and where forest harvesting may occur, and how forest management will contribute to the local economy. This plan was developed jointly by Yukon, Carcross/Tagish First Nation,

Kwanlin Dün First Nation, and the Ta'an Kwäch'an Council and was jointly recommended for approval in May 2019.

Has this plan received final approval yet, and if not, can the minister tell us when he expects that to happen? And is there a timber supply analysis and an annual allowable cut set for this area?

**Hon. Mr. Pillai:** I would also like to add — it might come up in question 3 — that the Watson Lake Chamber of Commerce has asked me to meet with them to talk about the forest industry in Southeast Yukon. I think that is an important conversation to happen. We are just trying to figure out where. As members know, we are here until December 22 and Friday is really the only day, if not on a weekend, to meet. We are just trying to figure it out. Most of our Fridays are booked right now going out to some other communities. I am trying to figure out when we can do that. I want to say to the Member for Watson Lake that we are committed to having that meeting.

We are waiting on one signature and resolution within a First Nation government. We have support across on everything else. People will remember that the Whitehorse plan — the Southern Lakes plan — has been in the works for I think almost a decade. It is something that I thought should be a priority based on where we are at with fire mitigation and the need and now we are seeing this industry grow and the demand for local products, either value-added or straight firewood. Within that, we are waiting for one more signature. I have talked to the staff this week. I have said that, if they need me to engage with the First Nation leadership, I am there to do it. There were some questions really around the plan and how it fits within their self-government agreement and their current land planning.

I look forward to question 3. Thank you.

**Ms. McLeod:** Many commercial operators in the forestry industry are struggling now to get long-term access to the resources that they need. Some fuel wood is being imported from British Columbia and shipped as far north as Dawson City. Mill operators we have talked to are not receiving access to the volume of timber they need to sustain operations. Harvesters near Haines Junction are having difficulty accessing enough fuel wood due to permitting delays. When can the wood product industry expect to get multi-year certainty of access to the resources they need in order to maintain viable operations?

**Hon. Mr. Pillai:** Mr. Speaker, I think that the whole conversation around future timber fibre access, as well as the intricacies that play out and, as well, the differences between some people who are going out just with a small piece of machinery and cutting firewood to people who are now investing in more advanced operations — what I have asked the department to do is: first, move to conclude the Southern Lakes; secondly, let's sit down and get some certainty around Southeast Yukon in the member's community. Some of that wood that is being cut in BC is right on the other side of the border, so this isn't being shipped from way out, but some of that is being cut by Yukoners and members from Watson Lake, but in British Columbia, and then shipped up, and that is something that has been done, I believe, for years.

I have also asked that we bring all the woodcutters together. It's a conversation I had with the branch this week. I think it's time for us to co-lab this out and understand what the needs are of each particular group and then identify a path forward, so they can make sure they can invest in the capital needs that they may have, whether it's increasing their mill operation, or can understand where there are opportunities, whether it be in biomass or other value-added.

It's something that is a priority for me to look at. We have been working on this with the branch this week and continue to be happy to come back and report progress.

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

## ORDERS OF THE DAY

### GOVERNMENT PRIVATE MEMBERS' BUSINESS

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

##### Motion No. 236, amendment to — *adjourned debate*

**Clerk:** Motion No. 236, standing in the name of Mr. Adel, resuming debate on the amendment proposed by Mr. Cathers; adjourned debate, Ms. McLeod.

**Speaker:** Member for Watson Lake, you have 10 minutes and 33 seconds remaining.

**Ms. McLeod:** I'm just going to back up a little bit from where I left off the last time we were addressing this, just to ensure we have the proper context.

We're not saying that the government didn't need to act swiftly on this matter or that some measures to prevent the spread of COVID-19 were not necessary. We agree that many of the actions the government has taken were necessary, but the point I want to make is that those actions need scrutiny, and those decisions need to be made transparently — and that's called democracy.

I think that better decisions are made when they are made transparently. Having a vote on the declaration of a state of emergency would go a long way to improving transparency and democracy. I also think that it's very important that we find a more appropriate balance between granting government the powers they need to effectively respond to a crisis and allowing an appropriate amount of legislative oversight to help preserve our democratic institutions.

There has been a lot of attention recently about finding this balance. Written in the *Ottawa Citizen*, the research director of the Samara Centre for Democracy said this in June of 2020 — and I quote: "It's remarkable, at this critical juncture, that the government has permitted so few opportunities for scrutiny, and for the representation of Canadians' experiences and views. Late September is a long way away, and ad-hoc sittings of the House — such as this week's debates on a proposal to crack down on fraudulent CERB claims — aren't cutting it. In this moment, we need an agile Parliament with the power to get answers from government and make things happen. Parliament typically adjourns for the summer, but it should be obvious why

this year is different — start with the scope of the crisis, and the scale of the response.”

Mr. Morden was talking about the federal Parliament, and I think that much of what he says rings true for us here in Yukon. Here in Yukon, we didn't even have the parliamentary committees in place and meetings to review government actions like they did in Ottawa. In fact, the Yukon Party had proposed in early March that we establish an all-party committee to look at the economic impacts of the pandemic. We felt that, by allowing MLAs to help guide the government's actions, we would see better outcomes and programs and policies that were better aligned with the needs of Yukon's businesses and economy. It would have also sent a signal to Yukoners that we were working on this together.

Unfortunately, the Liberals used their majority to vote that suggestion down and instead opted to work unilaterally, and this is very disappointing to many Yukoners. Even the coverage of that in the local media was quite telling. Here is an excerpt from a March 10, 2020, story about the Liberals voting the all-party committee down. Silver, however, said the committee is unnecessary because no MLAs are being kept in the dark and assured Yukoners the government is on top of things so far. “We're not in a place right now where we have to worry about COVID-19, today,” he said. “As for details on what the government will do in the future, Silver said that it is a “moving target” and things change everyday. “Everything that is being asked by the opposition, we believe that we already have [that] under control,” he said. “We have to make sure that we're prepared. But at the same time, level heads should prevail here and we shouldn't get into the practice of fear-mongering.”

So, back in March when the Yukon Party was encouraging action on this, the Premier accused us of fearmongering. When someone pushes for action to protect against the pandemic, the Liberals say that they are fearmongering. When someone asks the Liberals to explain their decisions surrounding the pandemic, the Liberals suggest that they are downplaying the issue, so the Liberals appear to talk out of both sides of their mouth on the issue.

What I can say from our perspective is that, ultimately, what we have always been seeking is government transparency and accountability. Transparency and accountability are the pillars of our democratic system.

As I mentioned, there has been a lot of attention focused on how to allow our democracies to continue to thrive while also allowing governments to exercise the necessary powers needed to respond to the pandemic.

Freedom House international, which is an international organization that studies and promotes democracy, said this about the use of emergency powers in democracies: “... emergency restrictions should be clearly communicated, enacted in a transparent manner, well grounded in law, necessary to serve a legitimate purpose, and proportionate to the threat.

“Emergency restrictions affecting basic rights, including freedoms of assembly, association, or internal movement, should be limited in duration, subject to independent oversight, and imposed and extended based only on transparent criteria.

Individuals should have the opportunity to seek remedies and compensation for any unnecessary or disproportionate rights violations committed during the crisis.”

There are some interesting places that are relevant to Yukon in that excerpt. As we all know, some of the measures that the Yukon government has taken under the state of emergency did affect many of the rights that Freedom House outlined. I believe that a vote in the Legislature on the declaration of the state of emergency by the democratically elected members of the Legislative Assembly would go a long way to provide the kind of transparency and legitimacy that organizations, like the Samara Centre and Freedom House, have suggested.

With that, and as I have said previously, I will be supporting the amendment. I hope that government does come to the realization that it is important to support a strong democracy.

**Ms. White:** I appreciate the amendment that was proposed by the Member for Lake Laberge because it certainly adds a bit of body to what was put forward initially.

There are a whole bunch of different topics here that are of issue, including the fact that, throughout the break that we had here in the Legislative Assembly, the opposition parties continued to ask for a legislative Sitting. The government has been repeating that they offered that to us; they offered that we could come into the Assembly and that we could get briefings about what was going on. The problem is that what they were offering wasn't actually a legislative Sitting. It might have taken place in this room, but it certainly wouldn't have had all the rights that come along with it that we have — well, we as legislative members have a right to.

Although the government and the media said it was open and accountable, well, we disagree. We disagree because there was a whole bunch of process that wouldn't be included in that.

What the amendment from the Member for Lake Laberge does is it gives us that opportunity if decisions are made, from this point forward and into the future, that it comes back to this Assembly where it can be discussed by all elected members who represent Yukoners from border to border to border, who come from different walks and different points of view. So, all we are asking is for the ability to strengthen what we have seen already and I don't think that is a problem.

We know that different members have different ideas on how programs could have been introduced to support Yukoners who are dealing with the effects of COVID-19, and we know that, in some cases, it was suggestions from opposition members that, unfortunately, had to come out through the media, that actually changed the face of some of those programs. One that I highlight especially would be how initially the Social Services department was clawing back social assistance rates because of CERB payments. It wasn't until after that came out in the media and it was publicly spoken about that it changed.

So, although I appreciate that the Member for Copperbelt North tabled a motion this week that said that they continue on that, it is not how that program started. We have questions

about other programs and how they were decided. So, really, what the Member for Lake Laberge, I believe, is asking is that those decisions don't get made in a vacuum and that they are able to be discussed here by all members.

So, the Yukon NDP will be supporting the amendment.

**Mr. Gallina:** The amendment currently before us, about whether or not any future extension of the current state of emergency shall be debated in the Legislative Assembly prior to their implementation, is a very important topic and one which does warrant consideration.

The original motion as to whether or not members actually agree that we should be in a state of emergency is clear and concise and provides Yukoners with certainty about the positions that members are taking on this topic. Our Official Opposition member is suggesting that we should also consider all aspects of the emergency that we are in, through amendments to this main motion, or maybe just some aspects of the state of emergency. Well, which aspects, Mr. Speaker, and why?

For instance, should there be amendments to the main motion suggesting that the *Civil Emergency Measures Act* itself needs to be evaluated, or even updated, to determine if we should be in a current state of emergency? Or what about the emergency measures themselves that have been implemented as a result of the state of emergency? Have those been effective, and should we be considering additional amendments to the main motion and use that forum for conversation about these important topics?

I argue that those are very important conversations that members in this Assembly should be having, but to provide certainty to Yukoners, I feel that it is important for this motion to be as straightforward as possible so that Yukoners know where members of this Assembly stand.

So, no, we are not in support of this amendment.

Mr. Speaker, today Canada has passed the 10,000 mark for deaths due to COVID-19; 10,000 families have lost loved ones; countless others have lost friends and a nation has lost an enormous amount of talent and value that each of those independent Canadians have brought forward.

Now is the time for this Assembly to show unity and leadership in addressing this terrible pandemic. Yukoners want to know where members stand. Do they support the current state of emergency or not?

Mr. Speaker, the opposition was keen to get back to work and hold this government to account on the financial and policy decisions made in support of Yukoners to address this pandemic. I'm curious why the Official Opposition has chosen to broaden a direct motion through an amendment that could have been brought forward for debate through a number of other channels. Are they concerned about the position they'll be taking? I ask this question genuinely, Mr. Speaker, because to date, the Official Opposition have tabled only one motion specific to the *Civil Emergency Measures Act* where there have been multiple private members' motion days to discuss this. They have only asked one question about ministerial orders and

none about the emergency or the *Civil Emergency Measures Act* itself.

It's day 15, Mr. Speaker, and the Official Opposition has asked only one question about ministerial orders. So, I find it ironic that now, with an amendment to this motion, these important discussions about emergency measures need to be had. I acknowledge that these are complex matters. It's not a simple black-and-white issue. I respect that, Mr. Speaker, and with that, I feel like Yukoners deserve certainty on all aspects of Yukon's emergency measures and we can begin that certainty by answering the motion that's on the floor today.

So, Mr. Speaker, we're happy and we even look forward to discussing decisions this government has made to support Yukoners during this pandemic and discuss ways in which this Assembly can continue to work together.

We also feel that this motion should remain as it stands because it provides certainty to Yukoners in a time when certainty comes at a premium.

**Ms. Hanson:** Mr. Speaker, I hadn't intended to speak to this, but I think I find that the hubris that I hear coming from the Liberal backbenchers is quite astounding. Nobody — nobody wants to be in a state of emergency and that's not what the issue is. We found ourselves collectively across this country and this territory in a state of emergency. The core issue, as I understand it, is not whether or not we blindly accept whatever the Liberal government has decided can be conducted by whatever means during a state of emergency — it is that we adapt as legislators to the fact that we are operating during a state of emergency.

We are operating in a pandemic, but we still have obligations and responsibilities — as members of this Legislative Assembly, regardless of where we stand politically — of holding government to account for the decisions that are made during the state of emergency.

So, to say that we should blindly accept that, whatever comes from the majority Liberal government, is contrary to any definition of democracy — no, we will not support the blind adherence that has been advocated by the member who just spoke. We would ask that the conversations that we have had over the last number of weeks — and I would ask the member opposite to look back at some of the conversations, some of the suggestions, that we have made about how we adapt, as legislators, going forward, during a pandemic. How do we adapt and ensure that we have forums of accountability? How do we, as legislators, use the existing tools and committees and other structures that we have so that we can question decisions, as they're being taken, to make sure that they are in the best interest of all Yukoners — not assume, because the Yukon Liberal team believes that they are in the best interest.

No. We have a job, in terms of holding government to account, and so we will. So, we will not support the government's agenda here of saying, "Trust us, we're the ones in charge." No. Not on —

**Speaker:** Is there any further debate on the proposed amendment to Motion No. 236?

Are you prepared for the question?

**Some Hon. Members:** Division.

## Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Silver:** Disagree.

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

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

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

**Mr. Adel:** Disagree.

**Mr. Hutton:** Disagree.

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

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

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

**Mr. Gallina:** Disagree.

**Mr. Hassard:** Agree.

**Mr. Kent:** Agree.

**Mr. Cathers:** Agree.

**Mr. Istchenko:** Agree.

**Ms. Van Bibber:** Agree.

**Ms. McLeod:** Agree.

**Ms. White:** Agree.

**Ms. Hanson:** Agree.

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

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

*Amendment to Motion No. 236 negatived*

**Speaker:** Further debate on the main motion.

**Mr. Hassard:** I am pleased to rise today to speak to Motion No. 236, put forward by the Member for Copperbelt North. This motion seeks to express the support of the Yukon Legislative Assembly for the state of emergency. This is certainly something that I'm happy to speak about, because I know that there has been a lot of misinformation coming from the Liberal government about this, and they have really tried their best to mischaracterize the Yukon Party's position on this.

We have always said that we don't have an issue with the declaration of the state of emergency. Many of my colleagues have repeated that over the past couple of days of debating this motion, yet the government continues to try to dispel that as a myth, I guess, because we heard it again with the latest speaker on the Liberal side talking about how important it was to get us on record about what we think about or whether we agree with the state of emergency. I will say it again that we agree with the declaration of a state of emergency, but it's interesting to see the government vote down an amendment that would allow some more openness and transparency, which is really interesting, considering that this is a government that ran on a campaign of "Be Heard" and talked about the importance of being open and transparent. It's rather odd to see such an "open and transparent" government try to do everything but be open and transparent.

We have also not taken issue with many of the regulations and ministerial orders issued by the Liberal government under the *Civil Emergency Measures Act*. In many cases, Mr. Speaker, we supported those actions. What we have said over and over again is that we disagree with the fact that all of this has been done without any sort of legislative oversight or democratic scrutiny. We disagree that the government should be able to use this pandemic to exercise outdated legislation to give itself extraordinary powers. We disagree with the Liberals' decision to refuse to reconvene the Legislature over the course of the summer and early fall to discuss and debate any of their actions or the government's response to COVID-19. We disagree that the Minister of Community Services should be able to govern by ministerial order without any sort of check or balance from the legislative branch. This entire situation is problematic for our system of government and is contrary to the norms and conventions of our democratic system. I would like to outline some of my concerns in a little more detail.

Let me begin with the *Civil Emergency Measures Act*. I think we can all agree that the act is outdated and inadequate. We have heard the minister agree with this, and in his speech earlier in this motion, the Member for Copperbelt North agreed with the minister as well. We all know that this legislation was not intended for a situation like the one we are in now. The legislation, as far as we can tell, was designed for responding to a traditional emergency where the government needs extraordinary powers to keep people and property safe. It was designed for a scenario where the government needs powers to move quickly for a very short period of time.

We believe that the legislation was never intended to grant these powers to the government for months, or perhaps even years. When the legislation passed, I'm sure the legislators of the day could never have imagined that a government would abuse the powers in the *Civil Emergency Measures Act* in the way that this Liberal government has.

Their actions, since declaring a state of emergency, have been very concerning to many Yukoners. In response to all of this, the Yukon Party has made the commitment that, if elected, we will amend this legislation quickly. We said that a future Yukon Party government would require democratic oversight of any government during an extended emergency, like the one that Yukoners are in today due to the COVID-19 pandemic.

Back in September, we noted that, over the last several months, the Yukon Liberal government has hidden from accountability and refused to allow for any democratic oversight of their actions. They've refused to allow for the Legislature to sit and refused to allow committees to meet or discuss issues or ministerial orders related to the pandemic.

We noted in a news release, back in September, that the Liberals have been operating in secrecy while undermining the basic principles of democracy while, at the same time, legislatures in almost every other province and territory in Canada have been sitting — or have resumed sitting — during the pandemic. Since, we have seen the Premier and others refute this, however, we've seen plenty of third-party support, including a very helpful report from the Samara Centre for Democracy which included a table that showed the number of

sitting days for each legislature in Canada during the pandemic. In that table, Yukon, sadly, was near the bottom of the list. We went on to note that this was an abuse of power and that we plan to amend the *Civil Emergency Measures Act* to require democratic oversight of the sitting government during a declared emergency.

The specific changes we think are needed are as follows: changes to the law to ensure that, even in an extended emergency, governments would still be subject to scrutiny and accountability by the Legislature; the requirement that any extensions of a state of emergency be subject to debate in the Legislature; and that orders-in-council and ministerial orders brought forward under the auspices of CEMA would also be subject to review by the Legislature.

We said at the time — and I will say it again today — that some of the measures that the Liberals have taken were necessary. Some were needed to help Yukoners navigate the challenges of the pandemic, but they did not need to come at the expense of our democratic principles. So, Mr. Speaker, I look forward to a future opportunity to amend that legislation and ensure that any future government cannot abuse the *Civil Emergency Measures Act* in the same way that this Liberal government has.

Next, Mr. Speaker, I would like to talk about the necessity of what the Liberals have done under this state of emergency and whether using CEMA as broadly and bluntly as they have was necessary. In his speech earlier, the Member for Copperbelt North said — and I will quote: “The *Civil Emergency Measures Act* requires us to be in a state of emergency to respond to the pandemic quickly and effectively.” He then went on to explain — and I will quote again: “These orders are intended for a multitude of different reasons. Some provide flexibility for the general public in conducting business — like the virtual commissioning, signing, and witnessing order, which enables the use of audiovisual communication technology where signing in presence is required by law.

“Like other social assistance regulation overrides, this will ensure that individuals receiving Canada emergency response benefits are not negatively impacted on their eligible social assistance, nor will it impact the amount of assistance that they receive. Each of these orders issued today are important for Yukoners, with a focus on public safety and security...”

Well, Mr. Speaker, I think there is a reasonable case that many of the actions that the member has mentioned should have been dealt with on an emergency basis back in March or April, but there is no reason why a solution to these issues couldn't have been dealt with through more conventional ways. We tried all summer to convince the government to recall the Legislature so that we could deal with some of these issues, but they refused. In fact, the Premier even said that he did not think the government needed oversight or scrutiny. He said that the Liberals were too busy for democratic oversight. Instead, he preferred to operate in secrecy, and the Minister of Community Services preferred to exercise his newfound powers under the *Civil Emergency Measures Act*.

Those are very problematic comments, Mr. Speaker. The Premier's way of thinking on this issue has been debunked by numerous experts. For example, in a paper issued by the University of Sydney, entitled *Protecting Democracy During COVID-19*, several experts and democratic institutions take aim at the Premier's line of thinking, and they argued the following — and I will quote: “The COVID-19 pandemic continues to pose a deep threat to public health and the economy worldwide. It also threatens, however, fundamental aspects of our broader political, social and cultural practices, including democratic practices and well-established civil liberties.”

Now, I know that the Premier would prefer to operate without opposition, but, quite frankly, that is counter to our democratic system.

The same paper from the University of Sydney highlights five key indicators of democratic health during COVID-19. One of those was enabling and respecting opposition. Here is what that says — and I quote: “Healthy democracies are not afraid of contentious debate. Although consensus between citizens and between citizens and institutions is important, it must continue to be paired with the more adversarial features of democratic life. Vigilance, argument and occasionally sharp debate ensure accountability and safeguard against the domination of any single group. As this pandemic opens the door to wide-ranging top-down surveillance and power, finding ways of ensuring that political argument continues unabated is essential. Citizens should also resist the tendency to defer to a singular view from experts and authorities, and the media institutions—and algorithms—that serve us this news should be supported to be open and diverse. Internal disagreements among scientists, for example, have not functioned so far as an invitation to the wider public to engage in respectful and broad-based deliberation about the choices and trade-offs we must make that cannot be reduced to scientific judgment.”

So, while the Premier has indicated his disdain for political opposition, we see from experts around the world that it is in fact necessary. The argument has been made that using these powers under CEMA was the only option that this government had; this was not the only option.

Legislatures across the country and across the world found creative ways to do business and respond to the pandemic while still respecting democracy. Let's take Ontario, for example. In that province, legislators were given the opportunity to debate the declaration of the state of emergency. I believe, Mr. Speaker, that the declaration of the state of emergency in Ontario received unanimous support. Then, throughout the summer, the government tabled legislation to do many of the types of things that the Member for Copperbelt North talked about.

In Ontario, the legislature passed a bill, called *COVID-19 Response and Reforms to Modernize Ontario Act, 2020*. That bill made broad changes to several pieces of legislation, including the *Alternative Filing Methods for Business Act, 2020*; *Business Corporations Act*; *Business Names Act*; *Commissioners for Taking Affidavits Act*; *Condominium Act, 1998*; *Cooperative Corporations Act*; *Corporations Act*;

*Corporations Information Act; Education Act; Extra-Provincial Corporations Act; Limited Partnerships Act; Métis Nation of Ontario Secretariat Act, 2015; Notaries Act; Not-for-Profit Corporations Act, 2010; and the Succession Law Reform Act.*

You see, Mr. Speaker, that rather than using emergency legislation to find their way around laws, the Ontario legislature decided to utilize their elected legislature to make time-limited legislative changes.

There are plenty of other examples around this country, as well as the entire world, but ultimately, the point is that the Member for Copperbelt North is wrong to assert that the only way the government could deal with these issues was by using ministerial orders under the *Civil Emergency Measures Act*. Perhaps that was needed at the beginning, but they had months and months, throughout the summer, to find a better way.

The Legislative Assembly could very well have been sitting this summer. There was no reason that Yukoners could gamble at the casino or watch sports at the bar, but MLAs could not gather to debate the government's response to the pandemic. Another important way many NGOs, academics, and think tanks have suggested for preserving democratic conventions and laws during a pandemic is by using parliamentary committees. Even if the Liberals thought that it was too dangerous for the Legislature to meet over the summer, there was no reason why legislative committees could not have met. This was yet another way the Liberal government could have responded to the pandemic without avoiding and damaging our democratic institutions.

With that in mind, Mr. Speaker, I would like to propose an amendment to this motion.

#### *Amendment proposed*

**Mr. Hassard:** I move:

THAT Motion No. 236 be amended by:

(1) inserting “: (1)” after the word “supports”; and

(2) inserting the phrase “; and (2) ordering that the Standing Committee on Statutory Instruments convene to review, call witnesses, and study all of the ministerial orders and orders-in-council issued during the state of emergency.” after the word “Yukon”.

**Speaker:** Copies of the proposed amendment will be distributed to all members.

I have had the time to review the proposed amendment with the Clerks-at-the-Table. I can advise that it is procedurally in order.

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

THAT Motion No. 236 be amended by:

(1) inserting “: (1)” after the word “supports”; and

(2) inserting the phrase “; and (2) ordering that the Standing Committee on Statutory Instruments convene to review, call witnesses, and study all of the ministerial orders and orders-in-council issued during the state of emergency.” after the word “Yukon”.

**Mr. Hassard:** I am happy to propose this amendment today. As I have said, and all of us on this side of the Legislature in the Yukon Party Official Opposition have said, while we agreed with the original motion brought forward by the Member for Copperbelt North, we just feel that this adds some meat to the bones of it. I think it is really important to strengthen the motion from what it was. I certainly look forward to hearing ideas from all members in the Legislature and hopefully hear their support for this amendment. I certainly look forward to getting unanimous consent on this amendment.

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

#### **Point of order**

**Speaker:** Mr. Streicker, please.

**Hon. Mr. Streicker:** I'm not rising to speak to the amendment. I'm rising to request that we, as per the change to the Standing Orders, could have a short recess in order to discuss the proposed amendment.

**Speaker:** There has not been a change to the Standing Orders, but there has been a convention. Based on the provisions provided under the COVID-19 safety precautions for the Assembly, if members ask, the granting of time would certainly be favourably considered by the Chair.

Member for Copperbelt North, on the point of order.

**Mr. Kent:** Mr. Speaker, on behalf of the Official Opposition, we would agree with a 10-minute recess for members opposite to review the amendment.

#### **Speaker's statement**

**Speaker:** In order to facilitate discussion among members and complying with COVID-19 safety precautions, the House will recess for 10 minutes.

#### *Recess*

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

Is there any further debate on the proposed amendment?

**Ms. McLeod:** I am pleased to stand and speak in favour of this amendment. I am happy to see this amendment come forward because it addresses one of the most problematic aspects of the Liberal government's approach to the pandemic response — their use of executive authority throughout the state of emergency. I should also note that I am happy that we are finally able to debate this motion and subsequent amendments to it.

This debate is long overdue. We have been waiting for months to be able to voice our concerns and the concerns that have been brought forward by constituents. It seems that the Liberals are under the assumption that Yukoners don't care about the state of our democracy and don't mind watching the government exercise the extraordinary powers available to them under the *Civil Emergency Measures Act* without democratic oversight.

I have to say that, just because they refused to call the Legislature back all summer, it did not mean that criticisms of their approach simply went away. We have heard concerns



about this all across the Yukon. There are some Yukoners who believe that the Yukon government went too far in their actions, and there are some Yukoners who believe that the Yukon government did not go far enough. But almost everyone we have heard from believes that there ought to be some debate about the government's actions.

Unfortunately, until this motion, the government has avoided debate on this. The *Civil Emergency Measures Act* grants significant and broad powers to the government; in particular, it grants power — largely to the Minister of Community Services — to govern directly by ministerial order. This exceptional power was intended to grant government the power to respond to an immediate crisis, where they need to move extremely swiftly and without following due process.

We do understand that there are some times, or emergencies, where this would be necessary. Floods and wildfires are commonly offered as examples of this type of emergency. In these cases, it's understandable that a government may need to take action that would require extraordinary action from government. It may require action that would contravene some laws or policies, but are necessary in the moment to save lives or property.

We understand this and do not disagree that civil emergency legislation that would enable this type of short-term power is necessary. What we do not agree with, though, is that this type of power is well-suited to extended emergencies like we are in now. We do not think the Minister of Community Services should have unchecked power indefinitely. We do not think that the government should be able to extend the state of emergency and therefore extend their access to this extraordinary set of powers, without any sort of democratic debate or without any sort of legislative scrutiny.

Unfortunately, that's exactly what this government has done.

Over the course of the past half-year, they have enacted dozens of ministerial orders. Not a single one of them was subject to any sort of scrutiny or public debate. What has been interesting is that there has been a considerable amount of buzz in the public service about the minister's affinity for these ministerial orders. It will be interesting to see if he votes for or against this amendment, because it will offer some check on that power.

The reality is, Mr. Speaker, that when the government declared the first state of emergency back on March 27, I suspect that, if we had been given a chance, the Yukon Party caucus probably would have voted in favour of the declaration. We have never said that we oppose that initial declaration. In fact, I think it's likely that we probably would have supported many of the ministerial orders that the Minister of Community Services initially issued, but what the government forgets is that it's the role of elected officials in a representative democracy to act as a check on the power of the executive branch of government.

While this may seem like a basic principle that we can toss aside in the middle of a pandemic, we on this side of the House are not so quick to throw away one of the fundamental principles of our democracy.

I thought it was a bit ironic that, during the height of the summer while the Liberals were refusing to call back the Legislature, governing with extraordinary powers, and issuing ministerial order after ministerial order, the United Nations celebrated the International Day of Parliamentarism. I thought that the statement that the UN issued was important and that it captured some of the reasoning behind my support for this amendment. For members who don't know — “June 30 is the day designated to celebrate the International Day of Parliamentarism. The United Nations General Assembly, in its resolution A/RES/72/278, recognized the role of parliaments in national plans and strategies and in ensuring greater transparency and accountability at national and global levels. It is also the date, in 1889, on which the Inter-Parliamentary Union (IPU) — the global organization of parliaments — was established.

“This Day celebrates parliaments and the ways in which parliamentary systems of government improve the day-to-day lives of people the world over. It is also an opportunity for parliaments to take stock, identify challenges, and ways to address them effectively.”

Mr. Speaker, I would like to quote from the UN's statement on the International Day of Parliamentarism. In addressing the topic of “Parliament's role is more vital than ever during COVID-19”, here is what the UN had to say: “In COVID-19 times, Parliaments and other government institutions are subject to the same social distancing measures as other public and private organizations. Yet, in a time of crisis, the role of parliament is more vital than ever to pass emergency laws, allocate resources and scrutinize government action. Some parliaments are modifying laws and procedures to allow for remote working, some have continued meeting physically and some have recessed altogether. The Inter-Parliamentary Union... is helping to facilitate inter-parliamentary coordination and solidarity by sharing examples of how parliaments can continue to legislate, debate and scrutinize the actions of government in a time of lockdown and social distancing.”

What is clear from this, Mr. Speaker, is that in a time of crisis or emergency, it is not time to retreat from our democratic systems but to take advantage of them. The government should be doing everything that it can to ensure that the public feels engaged and that the democratically elected representatives that citizens send to speak and act on their behalf actually have a meaningful role in shaping government's actions.

With that in mind, I think that the proposed amendment put forward by my colleague is a good step forward. I think that having ministerial orders subject to some scrutiny would be a good thing. It is also a good idea to have those ministerial orders go to an all-party committee.

Mr. Speaker, for those listening who are not aware, the Standing Committee on Statutory Instruments is a standing committee of this Legislature that has the authority to review any regulation that comes into effect after the committee is formed. The Legislative Assembly may also refer existing or proposed regulations to this committee for review. What this amendment would do is send all of those ministerial orders that

the Minister of Community Services has been issuing to be reviewed by a committee of MLAs.

The challenges of balancing the need for democracy with the need to respond appropriately to COVID-19 is not unique to Yukon or Canada. In fact, we have seen many NGOs, think tanks, and academics make very similar arguments to those we are making in this motion debate. I thought a compelling argument was made this summer by Dr. Leuprecht from the Macdonald-Laurier Institute in his paper entitled “COVID’s Collateral Contagion: Why Faking Parliament is No Way to Govern in a Crisis.” He said this — and I quote: “What distinguishes Canada from China, Russia, Iran, or North Korea is precisely a functional constitutional democracy: constitutional review and an effective legislative assembly to counteract authoritarian overreach by the executive. Federal Parliament and provincial legislatures, then, ensure the delivery of essential public goods and services to Canadians, such as saving lives, the safety and security of Canadians, and, ultimately, maintaining a vibrant Canadian democracy.”

He goes on to say, “Parliament and the courts are the people’s bulwark against excesses of executive power. The public trust they enjoy distinguishes constitutional democracies from authoritarian regimes, which renders the former more resilient during times of crisis. Deliberative decision-making through respect for Canada’s parliamentary conventions and constitutional principles is indispensable to maintaining the legitimacy of Canada’s political regime and the power of the Canadian state.”

Now, ultimately, that is what we are trying to achieve. We are trying to ensure that our response to the effects of COVID-19 is as resilient and strong as possible. The best way to do that is through tapping into our parliamentary conventions and constitutional principles. The amendment that my colleague is proposing, I think, will do that. It will ensure that a committee of the Legislature, with representatives from all three political parties, will have a chance to review the ministerial orders issued by this government. It will ensure that the extraordinary powers available to the Minister of Community Services will be subject to some sort of check and balance.

It is also worth noting that none of the members of this committee are government members. This is an important and deliberate feature of the committee because its task is to hold the government to account. It is also worth noting that the chair of the committee is the Member for Copperbelt North. We know, from his comments earlier in this debate, that he would prefer to leave this work to others. In fact, this summer, when we asked that the Standing Committee on Statutory Instruments be convened to do its job, the Member for Copperbelt North refused to do this and convene the committee.

Having reviewed his comments previously in debate on this motion and seeing how strikingly similar they are to those made by the ministers in this government — I guess it is not hard for us to guess why. However, it will be interesting to see how the members for Copperbelt North, Mayo-Tatchun, and Porter Creek Centre vote on this amendment. If they do not think that it would be a good idea to refer those ministerial

orders to a committee that they sit on, it would be interesting to know why.

I know that I have heard from many constituents and many Yukoners, who have asked why there wasn’t more debate about the Liberals’ action and, in particular, the ministerial orders issued under the *Civil Emergency Measures Act* over the summer. I heard from some Yukoners who believe that the Yukon government was not going far enough in their actions. They wanted to see more strict lockdowns, more aggressive support programs, and more strict actions.

On the other hand, I heard from a lot of Yukoners who thought that the government was just going too far. They thought that some of the travel restrictions were too aggressive and were concerned about their civil rights.

In either case, I am sure that if they were told that there had been a comprehensive sharing of information, a robust debate, and that elected representatives had decided that this was the best course of action, they probably would have been satisfied. Instead, they took note that the Legislature was shut down, that the Premier was making himself available to the media every other week for a few brief questions, and that the opposition parties couldn’t even get basic letters answered. So, I will be interested to hear from Liberal MLAs why they don’t think this type of debate or discussion would have been beneficial throughout the summer, or why they don’t want to have those discussions now.

We do know that they have been critical of us in the past for questioning the actions of the government. The Member for Copperbelt North’s speech regarding this motion earlier was telling. When we asked what the rationale was for allowing travel from BC but not Alberta, the Member for Copperbelt North accused us of wanting to throw the doors open and end all travel restrictions. When we asked whether the Liberals thought they violated the *Canadian Charter of Rights and Freedoms* with their early travel restrictions, they accused us of undermining public health officials. The reality, though, is that it wasn’t just the Yukon Party MLAs asking these questions. Ultimately, the government is doing those Yukoners a disservice by avoiding public scrutiny of their actions. In doing so, they weaken the legitimacy of those actions and they create mistrust.

The amendment my colleague has put forward is a reasonable one. It will allow ministerial orders issued under CEMA to be considered and debated in a standing committee of the Legislature. It will allow ministerial orders to be subject to legislative oversight and, in doing so, give them a legitimacy that they currently lack.

The Yukon Party does not oppose all the ministerial orders that the Liberals have issued. In fact, many of them we strongly support. But we’ve always maintained that the declaration of a state of emergency and the extensions of that emergency, which grants the minister the ability to issue those ministerial orders, should be something that is subject to a vote in the Legislature. Furthermore, once the minister has that ability to issue those orders, they should be subject to some sort of democratic scrutiny or legislative oversight.

The argument that time is of the essence, in this situation, simply does not hold water. We are months into this and the government has had lots of time to think about, develop, and issue those orders. There is no reason they couldn't find the time for the fundamentals of democracy.

Sending these orders to a standing committee of the Legislature is a logical step. If the members of that committee do not wish to do the work that they've been asked to do by Yukoners and provide this democratic scrutiny, then they should at least explain to Yukoners why that is. They should explain why they prefer that the government should continue to operate in secrecy. It's my hope, Mr. Speaker, that this amendment passes and that we can all support this motion.

**Mr. Istchenko:** I am pleased to rise, once again, to speak to this amendment to Motion No. 236, as brought forward by my fellow colleague, the Member for Pelly-Nisutlin. I have spoken about the importance of democratic scrutiny over the current process being used by the government to implement their decisions during this pandemic.

The Premier and those ministers who have publicly announced decisions and actions taken have been very careful to convey to the public that the decisions made are the only option and that the Liberal government knows best, that they are following the advice of the chief medical officer of health's guidelines. They do not provide information as to how they came to the conclusion that their way is the only, or best, option. They do not provide supporting documents that were used to inform those decisions.

While I believe that each ministerial order put forth by this government should have been allowed the scrutiny of this House, it is actually a very reasonable request, to be honest. We are only asking for our democracy to function. If the House is not sitting, those orders should have been sent to the Standing Committee on Statutory Instruments for review. In this case, all supporting documentation, and all information on which these decisions are to be based, would be visible to all members of the committee.

We're not asking for the process to be slowed down, if it is urgent; in fact, we would be fine if things went to the committee shortly after the fact, if it is really urgent. It's not about being critical and making things more difficult; it's about providing democratic oversight.

Unfortunately, the Liberals have been abusing power and acting undemocratically. This is not the Official Opposition's first attempt at ensuring democratic oversight for these ministerial orders. That's why the amendment is on the floor here today, again. My colleague had written to the chair of the Standing Committee on Rules, Elections and Privileges to request that SCREP review ministerial orders and orders-in-council issued under CEMA.

The NDP agreed with our proposal, but unfortunately, the Liberal chair refused to convene the committee, and it is clear that the Liberals very much prefer to operate outside the scrutiny of the Legislature. The orders that have come down through this government under CEMA have been of great concern to Yukoners. They have certainly been of great concern

to my constituents in Kluane who have shared their concerns and experiences with me. Business owners throughout my riding have been hit hard by the lack of tourism — very, very hard. As you know, for a little context here, we are home to a very popular world heritage site, Kluane National Park, which brings people from all over the world to explore. There is a vibrant First Nation cultural aspect to the tourism in our riding that travellers like to engage in and learn from. We have a very successful and thriving outfitting industry, one of the oldest industries in the Yukon. A great percentage of our travellers are on their way to Alaska and spend an average of three days commuting through the Yukon. Now they have to do this within 24 hours.

While it is considered important to limit the footprint of American travellers passing through the Yukon, it is important to address the fact that those travellers are human, and humans do need rest, food, and gas for their vehicles and other services or items. The Yukon government came out with a map for travellers that proved to be very controversial across the business community. This map appeared to pick winners and losers from the businesses in the communities along the highway. It was dictating to travellers where they were allowed to stop and where they should avoid, thus leaving business owners confused when travellers would stop to ask permission to use their gas pumps as they were told not to. This will hurt the economic recovery, unfortunately.

As the MLA for Kluane, there are a lot of highway businesses in my riding. My riding goes from Takhini River bridge all the way up to Beaver Creek. So, seeing the Minister of Community Services bring out this document that hurts highway businesses in my riding is very hurtful.

We have seen this type of dismissive attitude from Liberal ministers before. You will remember, Mr. Speaker, that it was the Minister of Highways and Public Works who claimed that the construction along the north Alaska Highway does not benefit Yukoners. Of course, the minister was way out of touch with reality, unfortunately, but after the unfairness of this document that the Minister of Community Services brought forward was highlighted to the government, it was supposedly removed from the border stops. This, in turn, caused more confusion.

It really just speaks to the importance of allowing for legislative oversight through something such as a committee on statutory instruments — providing a little bit of information from all MLAs.

Allowing this type of oversight, we can dig into why the Liberals attempted to pick winners and losers along the Alaska Highway and why they tried to harm Yukon businesses. So, oversight and scrutiny of Liberal actions are absolutely necessary.

The minister's document also worried Yukoners who assumed that it was a free-for-all for anyone travelling through the territory — they could stop anywhere, but the potential for community spread increased from those travellers who were told they had to pass through the territory and limit their stops.

Travellers were given 24 hours to get through the Yukon, but there was no way to trace those who strayed from their path.

While the intention was good to have travellers, who needed to pass through the territory, limit their impact, this was not the case. Many Yukoners who like to get their goods from places such as Walmart, Canadian Tire, or any other grocery store in downtown Whitehorse felt they had to walk on eggshells when they went out to their store of choice to get what they needed, because they knew travellers who were passing through may also have stopped at those locations. MLAs from opposition parties were without any information from the government to share with our constituents.

Even with what we could do — submit letters to the ministers — for the most part, many of the ministers never even responded to the letters and others took months to get back to us. So, here we are. We have no information about what's going on and what it means for our constituents. There's no accountability or transparency from the government at all, which again is why we need some sort of oversight, such as through this committee.

With CEMA, we saw no more international travel, no more Canadian travel. Up until July 1, when the bubble was expanded and the border was opened to the residents of British Columbia, the Northwest Territories, and Nunavut, no one was allowed into the Yukon without a 14 days of self-isolation plan in place. Unfortunately, those who were hardest hit by this decision were those who were about to start a busy work season.

Mines had to shift operations to enable employees from outside the Yukon to include isolation in their turnaround, and placer miners were informed that they had to undergo their 14 days in a hotel room at their cost, rather than on their claims. Over that 14 days, I am sure that they thought twice about how they were going to operate over the summer. They wondered about their livelihood and the uncertainty that came with it.

As everyone in the Legislative Assembly knows — we all know — the mining industry thrives on certainty. I am sure that we have all heard that. This order instead provided them with uncertainty. I mean, the order probably makes sense; the government probably did the right thing, but how were we to know when the government refuses to allow the elected representatives, like me, to provide any sort of oversight? By not having the Legislative Assembly sit, the Liberals were silencing the voice of our constituents to convey that uncertainty; that was totally lost.

It took months for the government to recognize that they needed to issue some sort of a placard to visitors who were allowed to be in the Yukon but had Outside licence plates. The government recently decided to close down the mandatory checkstop and instead implement a self-registration function for visitors. We are hearing reports now of individuals not stopping, not registering, and just going on their way. We are hearing concerns regarding people waiting to go through at night and not self-registering.

Regardless of the issue, it stems from a unilateral decision made by this Liberal government. Would these issues still exist if ministerial orders had been scrutinized by members of all three parties? Perhaps — but then, at the very least, decisions would have been made democratically. Committees of the

Legislature convey to allow each party — all three parties — to weigh in on matters of importance, and during a pandemic, most matters are very important — all matters. This pandemic has been the basis of every government decision made in the territory since March. All MLAs in this House represent Yukoners from all corners of the territory.

There was a message sent, Mr. Speaker, to Yukoners from the government by not convening this House to go over such decisions — decisions that had such an incredible impact on Yukoners. That message was that Liberals didn't want to hear the views of those people who did not vote for the government and that's a failure in democracy. It is time for the government to admit that they were wrong to not allow democratic oversight on decisions made regarding the pandemic. If they would have just allowed for some oversight, we wouldn't be in this situation right now where we have not been able to discuss or talk about issues of our constituents in the Legislature.

People are doing all they can to survive in this environment. I think it's easy to understand their frustration and their worries. They're trying to do all they can to retain their livelihoods. Scrutiny was sorely lacking over this last half of the year by not calling us back to this Yukon Legislative Assembly.

So, Mr. Speaker, in speaking to this amendment, I look forward to the government — and I would hope that they would support this amendment. I also look forward to hearing from others. I want to hear from members opposite — some of the members opposite who don't sit in Cabinet Management Board; they weren't privy to some of these decisions — to see what their thoughts are.

A well-informed citizenry is the lifeblood of democracy. In all arenas of government, information — particularly timely information — is the currency of power. There is a clear dissatisfaction among Yukoners about the lack of information and answers from the government. We've heard it; they've heard it. We can get this committee looking at those things. We can start providing some oversight and hopefully the Liberals will finally start listening to all sides and not just themselves.

Mr. Speaker, I look forward to hearing from others — I said this earlier — and hopefully having the scrutiny of the Standing Committee on Statutory Instruments on all ministerial orders and orders-in-council going forward.

Thank you for the time.

**Ms. Van Bibber:** Thank you for the opportunity to rise today to speak to the amendment from my colleague, the Member for Pelly-Nisutlin.

Throughout the pandemic, the opposition parties have advocated for further scrutiny of the actions of government. Despite resistance from the government, we continue to do so. Major actions of the government throughout the pandemic have included the passage of orders-in-council. These major actions have also included the passage of ministerial orders. We understand the importance of having to pass them during a time of urgency. No one disputes that they may be necessary. The only dispute arises over the government's insistence that everything be kept secret. That is why we, along with the Third

Party, have advocated that these ministerial orders and orders-in-council be brought forward to the Standing Committee on Statutory Instruments over the last several months.

The unfortunate thing is that the Liberal government members and the Liberal MLA who is chair of the committee have ignored or refused requests by the opposition parties to have these issues studied by this committee, which is why I find this amendment important. The original motion brought forward by the Member for Copperbelt North is interesting in this regard, as the Member for Copperbelt North is also the chair of the Standing Committee on Statutory Instruments. It was actually this Liberal MLA who refused repeated requests by the opposition parties to even convene a meeting to discuss the pandemic. Yes, Mr. Speaker, the government refused to even allow committees to meet and discuss the pandemic or actions the government was doing.

Mr. Speaker, if you thought the Prime Minister was bad for shutting down Parliament, digging into the WE scandal, look no further than here in Yukon, where Liberal MLAs on committees refused to let them even meet. It is really interesting now that he has brought forward this motion for debate since he spent the entire summer helping the government avoid accountability while undermining our democratic institutions.

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

#### Point of order

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

**Hon. Ms. McPhee:** I think that the member opposite has contravened Standing Order 19(g) where she is imputing "... false or unavowed motives to another member." She has particularly spoken about a particular member, not in general. I think that this is inappropriate in these circumstances, Mr. Speaker.

**Speaker:** The Member for Copperbelt South, on the point of order.

**Mr. Kent:** On the point of order, the Member for Porter Creek North was merely stating that the Member for Copperbelt North refused to convene the Standing Committee on Statutory Instruments. He's the chair of that committee and that is what the Member for Porter Creek North was speaking about, so I believe this is just merely a dispute between members.

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

**Hon. Ms. McPhee:** I disagree with the member opposite's characterization of this. The member opposite speaking previously — the Member for Porter Creek North — was not speaking merely about the facts of the situation; she was insinuating and ultimately insulting a particular member and indicating that the individual — she was imputing false motives — exactly what the Standing Order says.

#### Speaker's ruling

**Speaker:** I will review Hansard and return as required. It sounds to me — and I have been listening — like a dispute among members at this juncture.

The Member for Porter Creek North, please continue.

**Ms. Van Bibber:** The focus of my remarks today is on the importance of this amendment. No one is saying that ministerial orders and orders-in-council shall not be passed in an emergency. No one is even saying that, in an urgent situation, they cannot go forward and that they need to be delayed for the Legislature to provide oversight.

What we are saying is that there should be an opportunity shortly afterwards to dig into them a little bit — ask some questions and provide scrutiny. This provides much-needed oversight of the government and ensures the enduring life of our democracy and this is what matters to Yukoners — that they can trust on, and rely on, our democratic institutions. They are bigger and more important than the ability of the government to just avoid questions because they don't have the answers.

It's important for Yukoners to know that their Cabinet ministers cannot answer all the questions. We have certainly seen that play out in the Legislature over the last several weeks as certain ministers get "puzzled" by very basic questions. But what we are talking about is how we can provide the scrutiny and the oversight that these Cabinet ministers need so they can actually give answers.

Since the start of the pandemic, the government has brought in a number of ministerial orders and orders-in-council. They range from giving themselves the power to ignore the law and legal timelines to giving themselves the ability to rewrite contracts on a whim. I think it's a shocking abuse of power and a disappointing one as well.

To give an idea of what we would like to review with this committee, I will just go briefly through a number of ministerial orders and orders-in-council that the government brought forward without oversight. This is meant to help those who have not been following this issue as closely and may not be aware of the extent of everything the government has done without oversight.

While some of us in the House may have read a number of these, most people probably have not. Some people have read the ones that directly affect their lives, but maybe not. I will outline some of them by titles at this point so that people can understand the areas that have been addressed through the ministerial orders and orders-in-council — again, lacking oversight.

Under the *Civil Emergency Measures Act* — and for anyone interested, you can find more information on the government website, which includes the ministerial orders that have been issued since the state of emergency was declared on March 27. Other orders issued under it include: Civil Emergency Measures Leases, Approvals and Regulatory Timelines (Covid-19) Order; Civil Emergency Measures Limitation Periods and Legislated Time Periods (Covid-19) Order; Civil Emergency Measures Medical Practitioners Provisional Licensing (Covid-19) Order; Civil Emergency Measures Enforcement (Covid-19) Order.

Actually, I'll read in some of the numbers of those orders, so people from home can go and find them — my apologies, Mr. Speaker.

The one I was just mentioning was Ministerial Order 2020/30, and it replaced Ministerial Order 2020/13. Next on the list is the Civil Emergency Measures School Council Elections (Covid-19) Order, Ministerial Order 2020/31; followed by Civil Emergency Measures Pharmacists Authorization (Covid-19) Order, Ministerial Order 2020/32; Civil Emergency Measures Social Assistance Regulation Override (Covid-19) Order, Ministerial Order 2020/33. Now we are in the middle of May. Yes, Mr. Speaker, there are a lot of these. These are the types of things that the Standing Committee on Statutory Instruments could have reviewed, and they should be reviewed by them.

Of course, as discussed in this amendment, we would like to review them, as well as any future ones coming forward.

Now, moving on through other orders. There is the Civil Emergency Measures Residential Landlord and Tenant (Covid-19) Order, Ministerial Order 2020/38; and the Civil Emergency Measures Amendment of Liquor Licences (COVID-19) Order, Ministerial Order 2020/40.

There is also the repeal of a previous Civil Emergency Measures Border Control Measures (Covid-19) Order.

On this list that I am reading, there are some that obviously have been removed because some are no longer in force, but the point is that none of this should happen without oversight. No one is asking the process to be slowed down if it is urgent, but why can't a committee meet to review these orders a week after they are passed so that we can ask some questions and get a better understanding of why these decisions were made? We are, after all, in a democracy and I think that Yukoners would expect that their elected representatives would have the ability to do this.

We have seen dozens of ministerial orders after ministerial orders being issued and affecting the lives of Yukoners. Again, moving on, we see *Civil Emergency Measures Act* Ministerial Directives for Exemption to Self-Isolation Requirements, Ministerial Order 2020/01. *Civil Emergency Measures Act* Civil Emergency Health Protection (COVID-19) Order, Ministerial Order 2020/50. Repealing Ministerial Order 2020/46 and replacing it with *Civil Emergency Measures Act* Civil Emergency Education Measures (COVID-19) Order, Ministerial Order 2020/54. Replacing the previous Ministerial Order 2020/15, we have the *Civil Emergency Measures Act* Ministerial Order 2020/16 being repealed by 2020/50 — and the list continues to climb.

They are just a few of the orders we have seen and they are an example of the good work that a committee could do. This is important, of course, because it speaks to transparency if we could get the committee to meet. Transparency can be a powerful tool for innovation and improving public health and strengthening our democracy. To speak to this, I would like to quote from the World Health Organization on the topic of the importance of being transparent during the pandemic — and I quote: “Effective management of public health emergencies demands open and transparent public communication. The

rationale for transparency has public health, strategic and ethical dimensions. Despite this, government authorities often fail to demonstrate transparency. A key step in bridging the gap between the rhetoric and reality is to define and codify transparency to put in place practical mechanisms to encourage open public health communication for emergencies.”

I think these are key and important messages that I hope the Liberal government takes to heart because, to date, they have not been open or transparent.

Good government requires credible and trustworthy institutions built on these principles. Accountability goes beyond the mere responsibility of delivery of a task or service. It also means answerability if a service is not delivered in a timely and efficient manner such that it becomes a burden. It is a citizen's right, but also their duty, to demand it.

No one is saying the ministerial orders or orders-in-council should not be passed in an emergency; I stress this again. No one is even saying that in an urgent situation they cannot go forward urgently and that they need to be delayed for the Legislature to provide oversight. What we are saying is that there should be an opportunity shortly afterward to ask questions and provide that scrutiny. This provides the oversight of government and ensures the life of our democracy, and that's what really matters. It matters for the future of our territory — good governance — to allow for this type of oversight moving forward.

I really do hope that the government does the right thing and supports this amendment today. It will go a long way to improving the original motion and ensures that we provide oversight and stand up for our constituents. It will allow us to bring their questions to the table, and it would let us get answers to Yukoners because, for the last little while, there have not been many answers from this government. Committee work could do this, and it could do it well. It would really improve outcomes for Yukoners to ensure that every angle and every perspective has been considered when assessing the impacts.

So, let's get to work. Let's get our democracy working again. Let's get to debating about things again. Let's get to providing oversight again.

I look forward to seeing this amendment pass, and I thank you very much, Mr. Speaker, for the opportunity to speak.

**Mr. Cathers:** I am pleased to rise here today in support of this amendment and would note that this is, yet again, another in the series of the multiple attempts and multiple options that we as the Official Opposition, the Yukon Party, have proposed to the government in trying to improve the role of the Legislative Assembly and MLAs in dealing with the pandemic.

It was quite surprising to hear one of the Liberal members trying to frame this as a situation where the Yukon Party had not been clear about our views on the civil emergency when, in fact, we have stated clearly on multiple occasions — including in debate on the original motion that we are debating an amendment to — that we do recognize that there were public health measures that had to be taken.

I'm just going to briefly refer to my words that the member was apparently not listening to when we began debate on this legislation. I said two weeks ago when we last debated this motion — I will just quote briefly from page 1391 of Hansard from October 14. I said, "... what I really want to note and emphasize is that, first of all, we do agree that a public health emergency requires a government response and that part of that government response does include public health orders and — to a limited extent — emergency orders under the *Civil Emergency Measures Act*, considering the structure of our legislation."

It is interesting that there is this characterization by government backbenchers that we have not been clear in our position when we have repeatedly stated the fact that we support the need to respond. We recognize that, under the Yukon structure, the *Civil Emergency Measures Act* is one of those tools, but there are also other ways that some of this could be done. For example — and we have noted some of this previously in debate — the ministerial orders could be subject to review by committees such as statutory instruments before coming into effect. They could have been reviewed by a number of the other proposed all-party committees that we attempted to get government to support the formation of during this year, as you will recall, Mr. Acting Speaker.

We have, on multiple occasions throughout this year — in fact, it was a total of five times — proposed the formation of a special all-party committee dealing with aspects of the response to the pandemic and have unfortunately been shot down by the Liberal government at every turn. Statutory instruments is another option that we have suggested. I am pleased to see this motion proposed by my colleague, the Member for Pelly-Nisutlin, that would strengthen this motion and improve it. Simply debating a civil state of emergency that was declared roughly about 215 days ago — to debate 215 days after the government declared a state of emergency — to be debating a concept about whether there should be one is not very effective, especially considering that all parties have made their position clear on it.

There is a point — when government is considering extending a state of emergency — in having the debate on that prior to the extension of that state of emergency, but an after-the-fact review of that specific decision, especially 215 days after the initial decision was made, is not really achieving anything.

If government again chooses to refuse to accept a constructive amendment, the Liberal government will again be demonstrating that they talk a good line sometimes on cooperation, but have absolutely no interest in working with the Official Opposition or the Third Party, except on terms that they, the Liberal government, dictate.

The Standing Committee on Statutory Instruments already exists under the Standing Orders of the Legislative Assembly. It does not require any motion to establish; it does not require debate on the committee structure; and this proposal made through the amendment proposed by my colleague, the Member for Pelly-Nisutlin — which would insert the phrase "ordering that the Standing Committee on Statutory

Instruments convene to review, call witnesses and study all of the ministerial orders and orders-in-council issued during the state of emergency" — would strengthen this motion and provide an opportunity, as I have laid out multiple times as the Official Opposition critic for democratic institutions as well as the Justice critic.

We recognize that early on in the pandemic, government had to act quickly; however, when Canada's largest province — Ontario, which has outbreaks of cases actively happening — was able to have their provincial parliament, the counterpart to our Legislative Assembly, debate and vote on the extension of the state of emergency before it happened, that is a clear demonstration of the fact that there's no reason the Yukon with just 19 MLAs couldn't have convened the Legislative Assembly either in person or remotely at that point in time when the extensions of the state of emergency happened in June and September. During all situations, the risk of being in the same room together in this Legislative Assembly was certainly far lower than the risk being taken in other jurisdictions that actually had large numbers of active cases. There was no reason why this House could not have met to debate and discuss and vote on that declaration of a state of emergency instead of having Cabinet just decide behind closed doors to make such a decision.

However, as we have noted, while it would be preferable to have these rules debated before they're put into place, another option — especially for those orders that had to be implemented with speed early on in the pandemic — is to have them reviewed by a committee, such as the Standing Committee on Statutory Instruments, after the fact and provide the opportunity for government to do things, including to ask people who are affected by it: Is there something that you think we could be doing better, and how could we improve on it?

Again, I note, as I did two weeks ago, that we do not pretend it's possible in a pandemic to make everyone happy with every decision, but the details really matter. The fact that it's not possible to make everyone 100-percent happy does not, in any way, excuse government from asking, because, as I noted previously during debate, what the government seems to not understand, when we say that the details matter, is that the details of a ministerial order might literally mean the difference between a business surviving or failing.

For my constituents and other Yukoners I have heard from who are experiencing tough times during the pandemic, this is a tough time; it is a time when their views matter. We don't disagree that government has to listen to the advice of public health officials and treat it seriously, but there is also information that government can learn from Yukoners about how orders are affecting them.

As I noted before, the lack of consultation is a real problem. To just briefly quote from a comment I heard from one of the Yukon business owners who has been affected by ministerial orders, as I mentioned earlier, on page 1392, on October 14: "My biggest issue is no consultation. They made up guidelines for industries that they know nothing about. If they were that worried about safety, they would have worked

with businesses. We could have done that safely and faster than having a handful of people writing all of them.”

From that business owner and from others, there’s no disagreement that government needs to do something, but they have perspectives on their lives and their businesses that would actually be helpful to decision-makers. This is not just a case of an exercise in public relations. This is a case of a situation where Yukoners whose lives are affected actually know more about their lives and the effect that orders are having on them than any person in this Legislative Assembly or in government does. The fact that they have been excluded from the development of the ministerial orders and the fact that they have been denied — and deprived of — the opportunity for meaningful input and having someone to listen to that input after the fact is problematic.

As in the case in Ontario, an option that could happen with ministerial orders — an alternative to having them reviewed by the Standing Committee on Statutory Instruments as proposed by this amendment — there is also the option that government could reduce the use of ministerial orders and do what some jurisdictions, including Ontario, have done, and instead of using ministerial orders, bring forward and table in the Legislative Assembly time-limited legislation that is for the purposes of the pandemic and provides the ability for government to achieve the same ends that it is accomplishing through ministerial orders but through a better approach where those rules, instead of being through ministerial orders, would be through legislation debated in the House, subject to a democratic process and not simply made behind closed doors. As one of my colleagues, the Member for Porter Creek North, noted during her remarks, government has literally given themselves, with these ministerial orders, the power to ignore the law. It’s important to note that, behind closed doors —

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

### Point of order

**Acting Speaker (Mr. Adel):** The Minister of Community Services, on a point of order.

**Hon. Mr. Streicker:** Recently, we have had this discussion where the Speaker said that we shouldn’t be stating that anyone has broken the law. No one has broken the law here. Everything has been appropriate under the law, so I would just ask that you ask the member opposite to withdraw his remarks about breaking the law.

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

**Mr. Cathers:** I did not accuse the government of acting illegally. I think the minister misheard me. I noted that the ministerial orders provide the ability to ignore the law. Perhaps I should have said “to ignore legislation”, because it has, in fact, given government the ability not to follow clear provisions that are set out in Yukon legislation.

I don’t believe that there is a point of order. I am simply stating the facts.

### Acting Speaker’s statement

**Acting Speaker:** I am going to take this under review and review Hansard. I will get back to you with a ruling. I think that “ignore the law” is awfully close to accusing someone of breaking the law. I will come back — or the Speaker will come back — with a ruling on that.

Continue, please.

**Mr. Cathers:** Thank you, Mr. Acting Speaker.

Again, I will just rephrase that to ensure that I’m not repeating something that you may rule on at a later date. Government, through ministerial orders, have given themselves the ability to not follow provisions that are clearly spelled out in legislation that has been duly passed by this Legislative Assembly and previous Houses. That is something that I strongly disagree with. In my view, except in a truly time-sensitive emergency, it is never acceptable, even if it’s legal, for a government to say, “We’re going to pass a ministerial order that allows us to not follow certain legislation” without having that decision subject to democratic debate.

The approach of having the ministerial orders and orders-in-council subject to review by the Standing Committee on Statutory Instruments as proposed by this amendment would be a strong improvement, but in addition to that, I would argue that government should be reducing the use of ministerial orders and, instead, taking an approach more similar to that done in the Province of Ontario, where instead of using ministerial orders, where they had the option, they used legislation that is debated in the House. Every one of those dozens of ministerial orders, which have been passed by Cabinet and signed by the Minister of Community Services — the basic elements of the content of every one of them could have been formatted into proper form for legislation, could have been tabled in this Legislative Assembly, and could have been debated. If there was time sensitivity to it, the Liberal government would have found that the Official Opposition and, I think it’s fair to say, the Third Party would have recognized if there was actually information demonstrating that there was a time-sensitive need to pass that legislation because of public health reasons and we would have worked with the government on that.

We recognize the obligation of every elected representative to be practical and reasonable during a pandemic in a situation where there is truly a public health need to act quickly; we recognize the need to do that.

Unfortunately, the approach that is taken by the government — and I expect unfortunately that we’re going to see the Liberal government not support this amendment either, despite our repeated attempts to post various options to improve the democratic oversight of the government’s pandemic response. The government, including the Liberal Member for Porter Creek Centre, keeps trying to treat this as a simplistic argument and really dumbs down the quality of the debate that’s being had on this legislation by trying to create the perception, publicly, that members of the opposition don’t recognize the need to respond to the pandemic. In fact, what we’re arguing is that democratic process matters, the details of the decisions do matter, and the public still matters. Just



because we're in a pandemic doesn't give the government the excuse to adopt a "father knows best" approach to act in the casually autocratic and arrogant way that this Liberal government has consistently acted in the past eight months and ignore the importance of actually talking to the people who are directly affected by its decisions, whenever possible, prior to making those decisions and, when it's not possible to do so, they should recognize the importance of checking in with those people in businesses, providing the opportunity for them to say, in simple terms: "Tell us what's working. Tell us what isn't working. What can we do better?"

Now, we've also seen that one of the reasons why we need to propose another amendment to a government motion — propose another option for a democratic process — is that the Yukon has been a bit of an outlier in terms of the country in its lack of democratic oversight of the pandemic response. We saw legislative assemblies across the country resume much earlier, including Newfoundland and Labrador on May 5, Manitoba on May 6, Québec on May 13, Ontario on May 19, the Northwest Territories, PEI, and New Brunswick on May 26, Alberta on May 27, Saskatchewan on June 15, and British Columbia in mid-June.

Instead, we saw the Liberal government here delay calling — as long as they could possibly get away with — the Legislative Assembly until this fall and avoid the option — there was literally no reason that there couldn't have been democratic debate of the ministerial orders before, or shortly after, they were implemented. Instead, they chose to push it as long as they could, without having to come back and face questions from the opposition and the Third Party.

I have to remind the government that many of these questions are coming directly from Yukoners. We also know that there are some citizens who were so angry about the government's decisions and the lack of public process and democratic oversight that they are currently challenging the government in court over the constitutionality of the decision-making process. Citizens shouldn't have to resort to going to court to hold this Liberal government accountable. The government has a chance to actually work with the Official Opposition and the Third Party.

I would encourage them to support this amendment instead of shooting down yet another reasonable proposal made by the Yukon Party or by the Third Party.

**Mr. Kent:** I too would like to join colleagues in thanking the Member for Pelly-Nisutlin for bringing forward this amendment to the original motion that we started debating a couple of weeks ago, put forward by the Member for Copperbelt North.

It is extremely important for us to think back to where we were in this Legislature in March, when we adjourned after a very protracted, nine-day spring budget Sitting and, I would argue, the shortest budget sitting in the history of the Yukon. I could stand corrected on that, but we certainly weren't in here for very long, and we all know the reasons why we weren't in here for that long. That last day, I think, we came in here and our desks were spread out. A couple of private members were

sharing a microphone up in the gallery. It was a very different look to what many of us who have been in here for a while and even all current members are used to, as far as the set-up of the Legislative Assembly goes.

It was an uncertain time. Obviously, the government was quite anxious to pass the budget and adjourn the Assembly so they could focus on the response to COVID-19. We, in the opposition, heard from contractors and non-governmental organizations, not-for-profits, about the importance of passing the budget. I believe the chief medical officer of health also mentioned, at the time, the importance, during one of his briefings, of getting the budget passed.

We agreed to do that, as legislators. As I mentioned, it was an uncertain time in here. It was an uncertain time in Whitehorse, for sure, and I'm sure in communities across the Yukon, as our rural members on both sides of the House can attest to.

We have debated the supplementary budget for the previous fiscal year in this House. There were millions of dollars flowing out the door to respond to the pandemic in March. The Arctic Winter Games had just been cancelled, a major hit to not only our economy, but also felt by all of the Yukon athletes and athletes from across the north and internationally who wanted to attend those games.

I think that paints a pretty good snapshot of where we were in March, with respect to the pandemic. On April 29, in a *Whitehorse Star* article, there was an interview, and the title of that article was "Absence of political accountability raised", and then the byline under that was "Floyd McCormick, the former clerk of the legislative assembly, says the early adjournment of MLAs' spring sitting has resulted in an unnecessary lack of accountability that will be detrimental to Yukoners."

I'm going to clip some of the statements and portions from this article. I won't read the entire article into the record, but I do think there are some important factors that Dr. McCormick raises here as a private citizen and as a long-time and well-respected former Clerk of this Assembly.

Again, he mentioned that "... the early adjournment of MLAs' spring sitting has resulted in an unnecessary lack of accountability that will be detrimental to Yukoners." He speaks a little bit about the fact that we only sat for nine of the scheduled 30 Spring Sitting days, and it was also mentioned in this article — not a quote — that, before the adjournment, MLAs hurried to pass a \$1.6 billion budget that, under normal circumstances, would have likely remained under debate for the entire Spring Sitting. A quote from Dr. McCormick is: "A month later, there is still no indication that the legislative assembly or its committees will be active during the extended adjournment..." The article goes on to say: "Processes should have been set out, he argues, so that opposition members could continue to scrutinize government actions between March 19 and Oct. 1."

Another quote of Dr. McCormick in the article is: "This has created a situation where, to put it mildly, Yukon's system of representative parliamentary democracy will not function as well as possible at a critical time in the territory's history..."

Another quote from him is: “Under the current circumstances, the Yukon is, until October 1 at least, a parliamentary democracy without a parliament.”

These statements by an extremely respected member of our community should alarm all members in this Legislature. All 19 of us should be alarmed by the observations of Dr. McCormick toward the end of April of this year, around one month after we adjourned the Assembly.

However, Dr. McCormick does, in this article, suggest that there are ways that the Yukon government could maintain the accountability features, as evidenced by other jurisdictions. He argued: “They should do so... because ‘in a properly functioning parliamentary democracy, those who are to be held to account (the premier and ministers) do not get to decide how and to what extent they will be held accountable.’”

Of course, members will remember that, on March 9 of this year during the Spring Sitting, the Yukon Party requested the formation of a select committee to examine the economic impacts of COVID-19. The motion was voted down by the Liberal majority in this Legislative Assembly. Dr. McCormick said that “This was an unfortunate turn of events.” He says again: “In my view, the optimal approach to the COVID-19 pandemic would have been the establishment of a committee with a broader mandate...” — obviously, than the one that the Yukon Party Official Opposition had suggested on March 9.

Dr. McCormick, using an example, suggested that “The Standing Committee on Public Accounts, for example, could be convened to scrutinize the \$1.6-billion budget passed last month.” He cited some technological or procedural challenges, but of course, at the time, they were alleviated by staff in the Speaker’s office and staff with the Clerk.

The optimal approach, as suggested by Dr. McCormick, is: “... for members to negotiate the required rules and procedures and then convene the House in order to formally adopt these new rules and procedures...” There is no reason why we could not have convened the House in late April or May or June to adopt this after what was an extremely uncertain time at the start of this pandemic, which, from a health perspective, had seemed to calm down somewhat. Obviously, we are seeing some clusters now in Watson Lake, but from a health perspective, I think that the Yukon has fared quite well during this pandemic as far as managing the caseloads go.

Dr. McCormick also said, “The only other option is to do nothing, and that is not acceptable.” The Speaker of the Assembly, in this article, is quoted as saying, “The Assembly will continue its business to the best of our ability while the COVID-19 coronavirus pandemic continues, to ensure MLAs can conduct their important work...”

It is not in a quote, but the article says that the Speaker said that the Assembly’s “... committee meeting room is equipped with teleconference and video conference equipment, to allow committee meetings to continue remotely.”

I think that this was an important article to help define where we are in the current situation. The Member for Pelly-Nisutlin, acting as the leader of the party, told the newspaper that we were still open to an all-party committee, as McCormick had recommended, but obviously, it never

happened. Listening to some of the briefings that the Premier was providing to Yukoners over the time that we weren’t in the Legislature, I think that, on a number of occasions, he compared the supplementary budget or any oversight to the wildfire season. Of course, many Yukoners took exception to that and reached out to our office. When was the last wildfire season that essentially decimated the tourism industry? When was the last wildfire season that meant that Yukoners couldn’t travel out to other jurisdictions without self-isolating for two weeks when they got home? When was the last wildfire season that so drastically affected the way that our students learn, with the closure of all in-person classes territory-wide last spring and then what we’re seeing this fall with the busing issues and the grades 10 to 12 in Whitehorse not being in-person in class full time?

I hope that the Premier is regretting making those comments because they certainly didn’t line up with what we were hearing from Yukoners and the desperation and the impacts of the ministerial orders under this state of emergency that were being brought forward.

I know others have spoken about it, but the one thing that I wanted to do is also add my voice. When it comes to the Standing Committee on Statutory Instruments, I have been in the Legislature for a while now and I don’t recall that this committee has met in recent memory. I’ll look back at the records to get a sense of the last time it did meet, but according to the Yukon Legislative Assembly website, “The Standing Committee on Statutory Instruments has the authority to review any regulation that comes into effect after the committee is formed. The Legislative Assembly may also refer existing or proposed regulations to this committee for review.”

The members of the committee are: the chair is the Member for Copperbelt North; two other government members on the committee — the Member for Porter Creek Centre and the Member for Mayo-Tatchun; the Member for Porter Creek North and the Member for Watson Lake from the Yukon Party Official Opposition are members of the committee; as well as the Member for Whitehorse Centre on behalf of the New Democratic Party. I think that there’s a good wealth of knowledge and a depth of experience with the members there when it comes to how the state of emergency was affecting Yukoners. I’m sure that members on all sides of this House were hearing from constituents on a very regular basis on a whole host of issues, because I know that members in our caucus certainly were and there were lots of concerns from individuals across the territory that we were dealing with and sending correspondence to and waiting for responses from the ministers.

You know, I think that another piece of this is highlighted in a report put out by the Samara Centre for Democracy. It does a comparison of how little the House of Commons has sat, compared to provincial and territorial parliaments during the pandemic. I think it is worthwhile to just take a quick run through this because it highlights the length of time that we sat compared to other jurisdictions. We are the third from the bottom as far as jurisdictions go. Alberta sat for 47 days — these are sitting days between March 16 and September 22.

Alberta sat for 47 days; Prince Edward Island — 28; Ontario — 29; British Columbia — 21; Saskatchewan, Northwest Territories, and Québec all sat for 17; Newfoundland and Labrador sat for 15; the House of Commons — our national parliament — sat for 14; the Senate of Canada sat for 12; New Brunswick sat for 11; Manitoba sat for nine; the Yukon sat for four; Nunavut for two; and Nova Scotia did not meet during that time.

Obviously, these kinds of comparisons and the lack of accountability is troubling, especially at a time when the decisions in these ministerial orders were affecting so many Yukoners in so many different ways.

I wanted to focus on one of the ministerial orders that was brought forward that I believe would have benefitted greatly by being referred to the Standing Committee on Statutory Instruments. So, when the Education reopening plan was announced, the chair of the Association of Yukon School Councils, Boards and Committees — now, this was in late July — she said that she had written a number of letters to the minister over the last few weeks, only receiving one response dated July 24, after changes for high school students, along with school and bus guidelines, were announced. The article says that: “The Education Act, she said, clearly states in section 113 there is a duty to consult school councils on such changes. The association was not, she maintains.”

And then we fast-forward to August 14 — so a couple of weeks later — Ministerial Order 2020/54, under the *Civil Emergencies Act* — entitled “Civil Emergency Measures Education Measures (Covid-19) Order”. I’m just going to read the first part of it here into the record.

“Whereas a state of emergency throughout the whole of Yukon was declared on March 27, 2020 because of the COVID-19 pandemic;

“Whereas subsection 9(1) of the Civil Emergency Measures Act provides that I may do all things considered advisable for the purpose of dealing with this emergency;

“And whereas it is considered advisable for the purpose of dealing with the emergency and necessary for protecting the health, safety and welfare of the inhabitants of Yukon to have flexibility in the provision of educational programs under the Education Act until the termination of the state of emergency (including any extension of that state of emergency) and for any necessary transitional period;

“And whereas I consider the following measures advisable for dealing with the emergency...”

This is, of course, signed by the Minister of Community Services. In those additional measures, he talks about interpretation, posting of requirements and rules and duties, and this is something that has come up recently on social media, where Yukoners who are concerned about the education reopening plan flagged this as something that — they felt that the government used this ministerial order so they wouldn’t have to consult school councils on the education reopening plan.

The conversations around the education reopening plan have been a topic of this Legislative Assembly since we came back on October 1. Many Yukoners, not just the Official

Opposition, are concerned with the current state of grades 10 to 12 students in Whitehorse only being in class for half the day. The busing issues — I would say that is one of the issues we hear about the most, when it comes to education. The fact that, as of the date when we were briefed by the Department of Education, 250 students who had busing last year no longer have busing this year, and that has created extreme challenges for families around that.

The Minister of Education, unfortunately, last week, said that she was puzzled that grades 10 to 12 students, teenage students, only being in school half time would affect the work of Yukoners. Since she made that comment, I know that social media and our e-mails and other things have lit up with responses, just essentially saying how out of touch they felt the minister was with those remarks. I see that she has walked them back substantially this week.

That said, I am anxious to hear from members opposite. We have been given no indication on whether or not they will support the ministerial orders being referred to the Standing Committee on Statutory Instruments. I look forward to hopefully hearing from them, and if none of them wish to speak, then perhaps we will get a sense of whether or not they will be voting in favour of it when debate on the amendment concludes.

**Ms. White:** I appreciate the efforts by the Yukon Party right now to try to actually get the oversight that members of the opposition have been looking for.

I think that it’s important to point out that the chair was contacted by both the Yukon Party Official Opposition and the Yukon NDP to convene a meeting, because this is one avenue whereby all Members of the Legislative Assembly could discuss the orders that were being made under CEMA for Yukon. Unfortunately, that fell on deaf ears. There hasn’t been a meeting called in at least the last year.

I appreciate the efforts by the Yukon Party to try to expand this motion. All of the reasons that we spoke in favour of the last amendment stand for this. It’s about making sure that there is oversight of all elected folks. The best way to do that is through either the Legislative Assembly or, if that’s not possible, then at least in the Standing Committee on Statutory Instruments. Unfortunately, I think what we are seeing is an unwillingness from government to participate with members of the opposition in that.

I guess I look forward to seeing where the vote goes.

**Hon. Mr. Streicker:** This motion that we are debating the amendment on right now was a motion that we brought forward — the Member for Copperbelt North brought it forward two weeks ago. We brought it back again today. Clearly, we believe that it is an important motion, and we are hopeful to get to a vote. It is a pretty simple motion: Do members of this Legislature support the state of emergency — yes or no?

As the members opposite have risen to debate the amendment, they have continued to say a range of things and I’m still not certain whether they support a state of emergency.

It's because they've said it's complicated — and I agree with that statement. They've also said that there's a range of perspectives from constituents of theirs and they believe that —

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

#### Point of order

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

**Mr. Cathers:** Pursuant to Standing Order 19(b), the minister doesn't seem to be speaking to the amendment under discussion, not to mention the fact that it seems like he hasn't been listening all afternoon.

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

**Hon. Mr. Streicker:** I am exactly responding to things that I have heard all afternoon from the members opposite in their debate on the amendment. I hope that I'm provided an opportunity to respond to the points that they've raised during the debate on the amendment.

#### Speaker's ruling

**Speaker:** What I would say is that the intervention by the Member for Lake Laberge was quite quick and that the Minister of Community Services had not provided much in the way of contributions to this debate that would enable a chair to be able to determine where the Minister of Community Services might be going with his contributions on this amendment. I'm listening to the Minister of Community Services and I would be of the view that he certainly has some flexibility to address the contributions that he's heard from other members today in his statements or in his contribution to the debate. That is a fairly basic principle in my view.

**Hon. Mr. Streicker:** Thank you, Mr. Speaker. I'm trying to understand with this amendment whether the purpose of it is in support of the motion as it stands or whether it is a stand-alone piece. I really hope we do get to a vote. I am concerned that the members opposite don't wish to get to a vote.

It's hard to understand how democracy is served. After all this time, the members opposite talked about the importance of reconvening the Legislature. Here we are, reconvened, and it is us who brought this motion forward, yet we don't seem to be getting to a vote.

The members opposite have talked about Ontario as an example and talked about how that legislature works under their civil emergency measures act. Terrific. I think that there are a range of possibilities for the *Civil Emergency Measures Act*. We have all stood in this Legislature and discussed how the one that we have here needs updating, but it's not correct that, across the country, all civil emergency measures acts come to the legislatures. It's not correct that ministerial orders come to the legislatures. In fact, there are only two legislatures where it is the case that an extended state of emergency is required to come back to the legislature, and one is Ontario, and the other is Alberta, but the rest do not.

It's also true about those ministerial orders, but it's also true, in those other legislatures, that they have many more active committees. When I think about the committee that's being invoked under this amendment, I look back to try to understand what it has done over the past two decades — not a lot, is what I have to say. I think it's fair to say that it hasn't done much during our time, but it's fair to say that it hasn't done much over the past two decades.

I look forward to trying to investigate that further, because, in our break of 10 minutes, I didn't have enough time to go off and investigate that. What I can say is that, when we brought forward ministerial orders and there was a request to reconvene the Legislature, what we did turn around and do is offer to come in and sit in this Legislature and have questions and answers from me, other ministers, and deputy ministers on all of the ministerial orders. Was that accepted? No. On May 21, that letter was sent by the Government House Leader. Again, on June 5, that letter was sent, and again, the request was declined.

How is it that there is an interest to understand about ministerial orders, as proposed in this amendment, yet there was a declination by the members opposite to have that conversation? It is confusing to me that there is this difference of opinion, and I would really love to see some solid conversation on ministerial orders. Let's talk about them a bit.

The basic content of the ministerial orders is to protect the health and safety and wellness of Yukoners — flat out. Flat out. I am glad that the Member for Porter Creek North directed citizens to the website. They are all up there, open and transparent. They are there for all to see. I would love to have that debate, but 15 days of this Legislature and 75 questions from the members opposite, and we have had one on ministerial orders. What was that one about? It was about reinstating a ministerial order. It wasn't about "Okay, we have problems with these other ones." No, it was "Let's bring this one back."

Over the summer, I looked for all of the questions that have come from the members opposite — and there have been a couple of times today when the opposition members have said that we haven't replied. If I have missed something, I want to apologize to Yukoners and the members opposite today, but I don't think I have. I have gone back and looked through every casework. In fact, I looked through all of my colleagues' casework to try to understand: Have we been getting a lot of questions on ministerial orders? No. The Minister of Highways and Public Works has had one from the Member for Whitehorse Centre about driver's licences and medical exams. Just a reminder to all Yukoners: What we said was, "Hey, because going to the doctor is a problem right now, we're not going to force you to lose your licence. We are going to extend it." That was one of the ways in which we were supportive. I am curious if the members opposite disagree with that.

I have had one letter as well, to be fair, from the Member for Porter Creek North where she asked about the number of travellers who have come through the territory, which is related to a ministerial order, of course, although it is not direct. Yes, I had a letter and I responded. I would even table that response in the Legislature and that exchange — it wasn't terribly respectful to the public service, I will say.

I don't know which one of the orders is a concern. I have just now heard one about the education rules. I will go back and check on that one. I know that what we were doing was trying to support schools to make them as flexible as possible so that we could deal with keeping our kids safe. There it is. That is what that order is about. Let's debate it.

The main orders that are there are about isolation requirements and about border control. I would love to know from the members opposite whether they disagree with that, but here's where I want to start. I just want to understand whether they believe that we are still in an emergency — yes or no? We have other orders there. We have ones about protecting people from being evicted if they are self-isolating. Is that the one they want removed? We have an order in there about where we extended property tax deadlines. I have heard some criticism about taxation, where we extended property tax deadlines. Okay — maybe they didn't like that one — fair enough. And I don't disagree with them that, if we had been in debate here, that they would have and could have provided more information and alternative perspectives, and I encourage that — I don't discourage it. But, given that we have been two days on this motion and we are on our second amendment and it keeps moving off of the target of trying to talk about whether the members of this Legislature believe that we are still in an emergency or not, I am concerned.

In fact, this amendment that was brought forward was a motion that was tabled — a written motion — by the Member for Lake Laberge, I believe, on October 5. Okay — terrific — so, then, why didn't we debate it? Because on October 7, we actually had a private members' day here. What did we debate? We debated a select committee, which is terrific — that is an important topic, but it wasn't the one that they chose and we, again, had a private members' day on October 21 — one week ago — and we had an opportunity again to debate here. We debated another important topic — support for the local aviation industry. Great — but if the members opposite are trying to say that we are not supporting democracy because we are preventing them from coming forward, then — out of this Legislature — when we unanimously agreed, in the face of a pandemic, to adjourn this Legislature and we unanimously agreed to reconvene this Legislature on October 1 — which happened — and we unanimously agreed to sit for 45 days to try to do the work of this Legislature, when are the members opposite going to bring forward the concerns that they have been saying that we have been blocking them from bringing forward, while we sit here?

I have had one question from the members opposite about ministerial orders and it has been about putting back in place a ministerial order to support online cannabis purchasing through our great private cannabis retailers. I tell you, Mr. Speaker, I want to bring that forward, but we felt that it was inappropriate to use the authority of the *Civil Emergency Measures Act* to do that because it is not an emergency, because now, we're in phase 3.

I agree that this is an important conversation. What I disagree with is that it's tied to whether or not we're in a state of emergency. That's how simple it is. I just hope that the

members opposite will allow us to get to a vote on that simple and straightforward question on a complex issue, where there is a range of perspectives, and I would just like them to be clear on whether they support the state of emergency today, as we go forward.

**Speaker:** Is there further debate on the proposed amendment to Motion No. 236?

Are you prepared for the question?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Silver:** Disagree.

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

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

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

**Mr. Adel:** Disagree.

**Mr. Hutton:** Disagree.

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

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

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

**Mr. Gallina:** Disagree.

**Mr. Hassard:** Agree.

**Mr. Kent:** Agree.

**Mr. Cathers:** Agree.

**Mr. Istchenko:** Agree.

**Ms. Van Bibber:** Agree.

**Ms. McLeod:** Agree.

**Ms. White:** Agree.

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

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

*Amendment to Motion No. 236 negatived*

**Mr. Kent:** I rise to speak to the main motion as put forward by the Member for Copperbelt North. We have heard from the Minister of Community Services that he is hoping to get to a vote here on this today. It is unfortunate that both of our previous attempts at amendments — one for oversight by the Legislative Assembly, and a second for oversight by the Standing Committee on Statutory Instruments — were both defeated by the Liberal benches, because I would encourage members opposite to read the motion as amended with both of those changes. They would find that we did support the state of emergency, but what we are looking for is democratic oversight. That is the important thing.

The Minister of Community Services mentioned during his remarks on the previous amendment put forward by the Member for Pelly-Nisutlin that this was a simple motion. That's an unfortunate characterization of the motion as it is. He is disappointed that he has only had one question on a ministerial order, as today will mark one-third of the way through the

current Sitting. We still have 30 days left. Today is day 15, so there are still 30 days left to ask questions.

I would argue with the Minister of Community Services that all of the questions that we have been asking about grades 10 to 12 and the fact that Whitehorse grades 10 to 12 students aren't in high school full time and that is causing concerns for Yukoners and the fact that we have made arguments about the busing schedule and that 250 Yukon students who rode the bus last year don't have access to the bus this year, and that is causing great concern — we heard it on CBC radio this morning, and I have heard it throughout social media posts and e-mails, as I have mentioned — the fact that the MAD program and the Wood Street Centre programs were relocated with little-to-no consultation and the fact that we're having a protest, I understand, here tomorrow afternoon by MAD students in front of the Legislative Assembly to protest the Liberal's decision to not move that program to a suitable space while the Wood Street Centre is being used for grade 8s — I would argue that with the Minister of Community Services — and I'm not sure if he has spoken to the main motion, but hopefully he gets to get to his feet and speak to that or gets to debate again during our time — I would argue that those are all questions about ministerial orders because the ministerial order with respect to education that I read in and that he said was put in place for the safety of students — it's also the way that is affecting those students.

When he says that we've only asked one question, I would argue that we've asked multiple questions and many of them are on the education file and the results of that ministerial order and the lack of consultation and the poor planning by the Minister of Education as she moved throughout the summer. Consultations, you'll remember, within the reopening plan documents stated that consultation was to begin in May with schools on a fall reopening plan. We know that didn't start until June — the last week of school — into July. I have quoted the chair of the Association of Yukon School Councils, Board and Committees and she said that there was no consultation and that they have sent multiple letters; only one was responded to.

Another thing, when it comes to education, that we need to address is with respect to how the schools were closed for in-person learning during the early parts of this pandemic and some of the residual effects of that are bleeding into the fall. I've heard that many classes are behind. I received a note this morning from a Yukoner who stated that one of their kids who is in high school is four weeks behind in one of the classes. That's where the teacher believes they are. They're four weeks behind in the learning and we're only a couple of months into the school year. I'm assuming that a lot of the catch-up and the work that was done to get students caught up to where they should be in this school year are from the changes that were made at the end of last year.

Yes, the Minister of Community Services is correct that this is our fourth private members' day. The government private members have had two and the opposition private members have had two. The next government private members' day, I believe, with the Remembrance Day holiday on November 11, is scheduled for November 18, so perhaps we

will get a chance to continue debate on this motion at that time. Obviously, it is an extremely important motion for the government. They called it on the first day. We spent the day talking about it and introducing amendments. They called it back today. For the most part, it has been members of the Official Opposition and the Third Party who have spoken to this motion. We have heard very little from government members. Obviously, the mover of the motion spoke to it. I think we have heard from the Member for Porter Creek Centre and the Minister of Community Services. I could stand corrected; I will have to go back through Hansard to see if others have spoken on this at all.

Again, when it comes to the state of emergency and whether or not we support it, again, I have indicated that we would support it with the two amendments that we brought forward, which would have provided legislative or committee oversight to the extension of it or to the ministerial orders that have been brought forward.

I think it's important to paint a picture for members and for Yukoners of what exactly those decisions have done. They have affected many businesses throughout the territory. Obviously, the tourism industry has been hit the hardest. Outfitters lost many of their clients — most of their clients. My understanding is that many of those clients are from the US. The ones who put deposits down were obviously not able to travel here. There was some work done, I believe, to open up alternate self-isolation plans so that they could market to other Canadian jurisdictions, which I think helped soften the blow for some of the outfitters whom we have been talking to.

Hotels and the accommodation sector have been hit extremely hard. It is the only part of the tourism relief package that has been announced so far, which is to support those hotels and the accommodation sector, but I don't know how long it will take them to recover from what has happened this year with the pandemic and the lack of visitors we have had in the territory. We know that the Minister of Tourism and Culture, back in the spring, in the early days, said that it was "business as usual", and I know that she said, "We've got this," but clearly, those statements didn't age very well, because of what we have seen with respect to the tourism industry.

The hospitality industry — our bars and restaurants throughout the territory — has been hit extremely hard. They were closed — many of them were closed for in-person dining. The bars were closed early on in the pandemic and then later reopened. In a self-congratulatory press release, or announcement, made by the members opposite, they said that bars can now be back to 100-percent capacity, but a couple of the bar and restaurant owners here in town pointed out the fact that they still had to maintain the two-metre distance, so of course, very few of them can go back to 100-percent capacity, based on that. So, they continue to be hit hard. Some whom I have talked to, their business is off 80 percent from last year, and they're finding ways to get through. We hope that they can survive, because our restaurants and our culinary scene here in the Yukon is an important part of the overall tourism experience, and we want to see that continue and be able to thrive on the other side of this pandemic.

The personal services industry, again, is an industry that was hit extremely hard. They were ordered closed — that’s salons and the hair stylists, the barbers, and others who were hit extremely hard in the early part of this. As I mentioned, they were ordered closed. Some phoned me, and I’m sure others across the way heard from them. There were tears; they were watching their investment and their business disappear in front of them.

For two months, they were closed and unable to make a living, and then they were able to reopen, many of them, in early June, so I think that was an important, positive step that they saw.

The health care allies — the chief medical officer of health and the deputy chief medical officer of health said to one of them that they weren’t ordered closed by the chief medical officer; however, many of them did close, under orders from Environmental Health Services. Some of them have talked to me about losing \$20,000 over that time frame that they were closed. Dentists, of course, were only allowed to conduct emergency care, so their businesses were affected. An individual who used to be a constituent of mine in Riverdale reached out to me because his partner was a receptionist at one of the dental offices here in town, and she was affected. So, it is not just the owners — it is the people who work for these businesses who are having difficulties when it comes to the decisions that were invoked because of the state of emergency.

I have two RV parks in my riding. I know that there are others scattered throughout the Yukon — many in Kluane, Teslin, Watson Lake and other spots, and you know, for them, again, the lack of traffic on the Alaska Highway due to the pandemic and the border closures severely impacted their businesses this summer. So, we will look forward to hopefully getting some sort of package announced here sooner rather than later for RV parks and for the hospitality sector.

I know that the Minister of Tourism has said that she has \$15 million over three years — \$2.8 million, I believe, has been committed until December 31 for the hotel and accommodation sector — so, we are hoping that there is some left over to help out with the RV parks and the other tourism-related businesses that have been severely impacted by this global pandemic.

I just want to touch on some of the health services that were affected. Obviously, at the Whitehorse General Hospital, the lab, imaging, and speciality surgeries were closed and now we are facing longer lineups as a result. Those are impacts of the pandemic and the state of emergency that, again, many Yukoners are dealing with. Specialty surgeries in Vancouver, of course, were delayed as a result as well. Events, festivals, and fundraisers were all affected by the lack of being able to have any gatherings of any size. I know that there was some support, I think, until the end of July for those individuals. I am anxious — if someone from across the way gets up to speak, if we can hear some more information on what additional supports are being contemplated — if that’s coming out of the \$15-million tourism fund or if there are other funds. We have seen many events this fall either scaled back or severely affected. Geoscience comes to mind. I know that they have reinvented themselves with a virtual event. The Northwest

Festival of Trees is announcing some different activities. I know that the Every Student, Every Day society came up with some creative ways to fundraise but, nevertheless, were impacted. We are anxious to hear about that because there are many Yukon businesses that also rely on that.

I think that one of the concerns that we had, in addition to the lack of legislative oversight and the lack of convening of the Standing Committee on Statutory Instruments, which were addressed in previous amendments, is how information flowed and our access to health care professionals so that we could ask the questions that Yukoners were asking us. I will say that the chief medical officer of health was made available to us. There were times when there were last-minute cancellations and someone else would fill in or we were informed that the briefings would end, but I think that making sure that all members of the Legislature have access to the best possible information would help us. To that end, I want to introduce another amendment to Motion No. 236.

*Amendment proposed*

**Mr. Kent:** I move:

THAT Motion No. 236 be amended by:

- (1) inserting “: (1)” after the word “supports”; and
- (2) inserting the phrase “; and (2) the provision to all Members of the Legislative Assembly of the same information that informs the Government of Yukon’s decision on whether to implement and extend the current state of emergency” after the word “Yukon”.

I do have a signed copy for the Table and copies for the members.

**Speaker:** I have had an opportunity to speak to the Clerks-at-the-Table with respect to the proposed amendment. I can advise that it’s procedurally in order.

It has been moved by the Member for Copperbelt South:

THAT Motion No. 236 be amended by:

- (1) inserting “:(1)” after the word “supports”; and
- (2) inserting the phrase “; and (2) the provision to all Members of the Legislative Assembly of the same information that informs the Government of Yukon’s decision on whether to implement and extend the current state of emergency” after the word “Yukon”.

**Mr. Kent:** Mr. Speaker, I just wanted to take the opportunity to thank the officials, as well as the chief medical officer of health, for providing the briefings that they were able to. We did have the Deputy Minister of Education on one call as well to speak to the reopening plan and take questions from us.

Again, I just want to emphasize the importance of — the government is asking us to support the state of emergency, and we will. We tried to say that we would support it if the Yukon Legislative Assembly was able to debate any extensions to it. The government voted that amendment down. We tried to say that we would support it if the Standing Committee on Statutory Instruments was able to review some of the ministerial orders.

It's an all-party committee of this Legislature, but again, the government voted that down.

So, with this amendment that I'm proposing today, what we're looking for is to have access to the "... same information that informs the Government of Yukon's decision on whether to implement and extend the current state of emergency" after the word "Yukon".

The Minister of Community Services — I believe it was during Question Period earlier this Sitting — said that they had followed all of the chief medical officer of health's recommendations and haven't deviated from them, so, obviously, they're able to have better access and information that helps to inform these decisions to extend the current state of emergency.

I'm assuming that there are risk management professionals who also advise the government on this. I'm assuming the deputy ministers advise the government on this. Again, what we're looking for, when it comes to this amendment, is to be able to make an informed decision with all of the same information that the government has when they're making their decisions to extend the current state of emergency.

I think it's only fair, as we were all elected by Yukoners to represent them in this Legislative Assembly, all 19 of us.

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

#### Point of order

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

**Hon. Mr. Silver:** We request a break to consider the amendment.

**Mr. Kent:** We would agree with that motion put forward. Would it be, just to clarify with the Premier, 10 minutes? A 10-minute break, please?

#### Speaker's statement

**Speaker:** In order to facilitate discussion among members, in order to determine members' positions with respect to the proposed amendment, and to comply with physical distancing measures of the COVID-19 procedures that have been put in place in the Yukon Legislative Assembly, this Assembly stands recessed for 10 minutes.

#### *Recess*

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

**Hon. Mr. Streicker:** I am happy to rise to speak to the proposed third amendment to the motion that has been brought forward by the Member for Copperbelt North. I thank the Member for Copperbelt South for standing to speak to the motion and then bringing forward an amendment.

The amendment is talking about information and how people get informed. There is, of course, a whole range of information. When the pandemic started — or when we declared a state of emergency — I remember the Member for Lake Laberge making a comment about how important communication was going to be across all of our communities. I agreed with that comment. I know that we worked very

quickly to set up regular calls with municipalities and regular calls with First Nations. Sometimes they were combined. We set up the Business Advisory Council right away. We began weekly conversations with — Volunteer Bénévoles Yukon set up calls around our not-for-profit sector and we worked with them. We worked with the tourism association. We had individual calls to each community. So, I agreed with them that it was very important.

We also agreed that it was important that we talk with the public, that we were in constant contact with the media, and we believe that it was important that the opposition be informed and get that same information.

My recollection, and I will go back to check the record, but I think that we started off with three-times-a-week sessions, where they were able to have information disseminated, asked questions, posed questions, and if there weren't answers at that time, folks tried to follow up. It changed, just in the same way that we started off in three-times-a-week calls to communities, and then it went to twice a week, and then it went to once a week. In those calls, I remember that we made the chief medical officer of health, Dr. Hanley, available as often as he could be, because he did have — and he continues to have — a whole slew of priorities that he has to deal with. It is hard to imagine how busy that person is, but my understanding is that he tried to make it to as many as he could, and if not, then sent someone in his place — and I thank the Member for Copperbelt North for commenting on that.

There was a time, I remember, when I was up to give one of the live streams with Dr. Hanley, when he and I were speaking — and I hadn't seen him for a couple or a few weeks — and I asked him how it was going. I asked him how his conversations with the opposition were going, and he said he thought that they were going well. We looked at each other and I can't remember which one of us said it, but we commented in that moment that he had been meeting with them more often than he had been meeting with me.

Now, I am not jealous, but I just want to say that, at that point, I felt that it is worth noting that the opposition was saying publicly that they weren't getting access to information, and here I was talking with the chief medical officer of health, and we were saying that he had more contact with the opposition than he did with me — okay.

You know, Mr. Speaker, I was thinking about the members opposite and their points that they raised about the Province of Ontario, and I was thinking in comparison to, as well, the Province of British Columbia. This past weekend, the Province of British Columbia held an election, and after that election, the government became a majority government — and, again, we said here in the Legislature: "Congratulations to Minister Horgan —"

**Speaker:** Order, please.

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

*Debate on Motion No. 236, and the amendment, accordingly adjourned*

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



**The following sessional paper was tabled October 28, 2020:**

34-3-53

*Yukon Heritage Resources Board Annual Report – April 1, 2019 - March 31, 2020* (McLean)

**The following legislative return was tabled October 28, 2020:**

34-3-42

Response to oral question from Mr. Hassard re: diesel energy generation costs (Pillai)

**Written notice was given of the following motion October 28, 2020:**

Motion No. 301

Re: *Child and Family Services Act* Review Advisory Committee witnesses appearing in Committee of the Whole (Ms. McLeod)