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HANSARD

Tuesday, December 1, 2020 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2020 Fall Sitting

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

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Hon. John Streicker	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
Hon. Pauline Frost	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
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Brad Cathers	Lake Laberge	Patti McLeod	Watson Lake
Wade Istchenko	Kluane	Geraldine Van Bibber	Porter Creek North

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

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

Prayers

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Ms. Frost: It is my absolute honour to welcome some special guests here today. In the gallery we have Jim Boyde. I am going to introduce Jim as a coach and a mentor to indigenous athletes from across the Yukon. I know that he has had an impact on all of us, so thank you for being here today — and his wife, Pam.

We have Doris Allen, the wife of the late Harry Allen, and my dear Auntie Effie is here as well. Both are former skiers, as well, and have had an impact on our community, along with Uncle Alfie. As people may know, Alfie is Annie Smith's younger brother. My brother-in-law Joe Tetlich, welcome today. I have two very special guests and a beautiful part of my life, my two older sisters, Glenna Tetlich and Shirley Frost. Both are here today for the tribute.

Applause

Speaker: Tributes.

TRIBUTES

In recognition of Frost sisters' Canadian Junior Cross-Country Ski Championships 50th anniversary

Hon. Mr. Streicker: I rise today on behalf of all the members of this Legislature to pay tribute to the Frost sisters, Shirley and Glenna, and their cousins, the late Agnes Charlie and Mary Frost. Fifty years ago, in 1970, they achieved something remarkable — a feat that took many in Canada's cross-country skiing community by surprise, though their family, friends, and coaches may tell you that they weren't surprised in the least.

In 1970, these four young women travelled from Old Crow to the Canadian Junior Cross-Country Ski Championships in Manitoba. All four of them competed in the five-kilometre junior girls' race. They faced tough weather — about minus 25 with winds gusting and ski tracks constantly blown in. They also faced some tough competition with two skiers from Ontario favoured to win the race. But Glenna, Mary, Shirley, and Agnes had been training hard, between 40 and 60 kilometres a day. They were receiving some amazing coaching from Jim Boyd, from Alice Frost — their mother and auntie — and from the late and much-loved Father Mouchet. They were also simply talented, determined skiers who wanted to represent their community abroad.

The family had grown up in Old Crow where children in the community are very active and often out on the land. They brought all their grit, skill, and determination to that race, Mr. Speaker. The results were simply amazing. All four of them placed in order — 1, 2, 3, 4. Their achievement marked the first time, and most likely the last, in cross-country skiing in Canada that four junior girls from the same family ranked together in all top spots in a single race. It was a truly remarkable moment in Yukon's cross-country skiing history and I think in Canada's.

In the following year, Mary, Glenna, and Shirley also swept the podium at the Nor-Am Cup — the North American cross-country ski championships. Their legacy continues today. The program that Father Mouchet created — the Territorial Experimental Ski Training program, or TEST program, continues to support Yukon's young skiers today. Their story and their legacy continue to inspire. Today, they are beautiful, spirited elders who have dedicated their lives to ensuring that youth have opportunities to excel without barriers. They are humble people who are simple, kind, and dedicated to making the Yukon a better place.

Please join me, Mr. Speaker, in recognizing Glenna and Shirley Frost and their late cousins, Agnes Charlie and Mary Frost. Mahsi' cho.

Applause

Speaker: Are there any further tributes?
Are there any returns or documents for tabling?
Are there any reports of committees?

REPORTS OF COMMITTEES

Mr. Adel: Mr. Speaker, I have for tabling the 22nd report of the Standing Committee on Appointments to Major Government Boards and Committees.

Speaker: Are there any further reports of committees?
Are there any petitions to be presented?
Are there any bills to be introduced?
Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House congratulates Larry Bagnell on his 20 years of service as Yukon's representative as a Member of Parliament.

Ms. White: I rise to give notice of the following motion:
THAT this House urges the Government of Yukon to encourage and enable public servants to work from home as recommended by Yukon's chief medical officer of health.

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

MINISTERIAL STATEMENT

Mandatory mask use in indoor public spaces

Hon. Mr. Streicker: Starting today, a new ministerial order passed under the *Civil Emergency Measures Act* makes the use of masks in indoor public spaces mandatory for all Yukoners over the age of five. This applies to indoor areas of a building that are intended for the common use of the whole public. This includes, but isn't limited to, public buildings, stores, lobbies, hallways, waiting rooms, public bathrooms, and elevators.

Our government is committed to protecting Yukoners from COVID-19 while balancing the needs of people's lives and the economy. This mask mandate adds an additional level of protection against COVID-19 that allows us to carry on with our lives without having to introduce new public health measures at this time. When used in addition to following the "safe six", mask use can effectively help curb the spread of COVID-19. Mask use can reduce the risks of an infected person passing the virus along to someone else and wearing them can protect people from becoming infected. However, like bicycle helmets and seatbelts, masks are only effective when they are worn.

We know that many Yukoners have already been wearing masks and that many businesses and organizations have already been requesting mask use from their clientele. This mandate will add an additional level of compliance and ensure that indoor public spaces are subject to the same rules.

There are some exceptions. The current recommendations for schools will remain in place. Those recommendations are that students age 10 and older wear non-medical masks in school settings where physical distancing cannot be maintained. This order also does not apply to workplaces that do not offer services to the public. For those places, the individual workplace policy will apply. Masks should be made of a tightly woven fabric such as cotton or linen and should ideally contain at least two — preferably three — layers to help stop the spread of viruses.

To use a mask properly, make sure that it fits tightly around your nose, mouth and chin. Keep it dry and clean and make sure you wash your hands before and after taking it on and off.

I would like to encourage all Yukoners to support local businesses and buy reusable masks locally whenever possible. However, we know that buying a reasonable mask isn't an option for every Yukoner. That's why we are committing to providing masks to our most vulnerable populations. We will make over 200,000 non-medical masks available over the coming months and we'll make sure that this targets our most vulnerable. For a limited time, masks will be available at public facilities for people who do not have their own. We will also provide masks to First Nation, municipal, and territorial government offices upon request. By implementing this mask mandate, we are asking all Yukoners to consider the health and safety of their families, their communities, and the most vulnerable members of our society.

We know that Yukoners want to do the right thing. We will be encouraging people to wear masks and teaching them how to use them properly through ongoing public awareness

campaigns. Enforcing the use of masks with a fine or penalty is our last resort. We're asking all Yukoners to come together to protect their community during this pandemic and encourage each other to keep others' safety at the top of mind. As Dr. Hanley has said many times, Mr. Speaker, we are all Team Yukon.

We want to thank everyone who has already been wearing a mask and following the rest of the "safe six" to protect our community.

Ms. Van Bibber: I would like to thank the minister for this statement. As a starting point, I would like to note that the overwhelming evidence from health professionals around the country indicates that well-designed, well-fitting masks help to prevent the spread of infectious respiratory droplets. For that reason, the Yukon Party supports mask use as a measure to help limit the spread of COVID-19 among Yukoners. When we look across the country, we see that almost every jurisdiction in the country has implemented some type of mask-use mandate. Furthermore, when we look around our communities, we already notice that mask use has become very prevalent and common. Many Yukon businesses and facilities have already instituted the requirement for patrons to use masks. Ultimately, we think that Yukoners want to do the right thing, and at this point, health officials are telling us that this is the right thing.

We would, however, like to note some concerns that we have with the mask mandate as outlined by the minister today. First of all, we continue to advocate that ministerial orders issued under the *Civil Emergency Measures Act* should be allowed some type of legislative scrutiny or democratic oversight prior to being issued.

We have tabled a private members' bill that is before the Legislature now that would require ministerial orders like this one to be reviewed by a legislative committee. We think that such a process would lend itself to better outcomes and would give the government's action more democratic legitimacy. Unfortunately, the Liberals don't agree, and they have chosen to issue this ministerial order, like those before it, unilaterally, without consultation, and without input from legislators.

The government first announced this policy a week ago, and the Premier has claimed that they have been working on this for weeks, so there was plenty of time to allow for oversight. If we were all on Team Yukon, as the minister says, then this shouldn't have been an issue.

We would also like to note some concerns about the communication surrounding this ministerial order. The Liberals have once again chosen to wait until after a measure is in place to provide the public with details about it.

This happened a couple of weeks ago when they opened the drive-through testing over the weekend and didn't let Yukoners know until Monday. This type of communication has led to confusion about public health measures. We have seen discrepancies between different government sources on the ages that are affected. This inconsistency creates confusion among parents, and this confusion can unfortunately undermine support for this public health measure.

We also have some concerns about enforcement. In his press conference this morning, the Premier indicated that they would be focusing on education rather than enforcement, which we believe is the best way forward. Enforcement should be the last resort. We urge the government not to be too heavy-handed in the implementation of this measure.

We also have questions on who is exempt and how the government will ensure that those people are not targeted by harassment either by the public or by enforcement officers.

We also have not seen any clear guidance provided to businesses about their responsibilities with regard to their staff and persons visiting their business. I look forward to hearing the minister's response and hope that he will address our concerns about this measure.

Ms. White: There isn't a person anywhere who hasn't been affected by COVID, and we are all dealing with these challenges in different ways. Some of us have turned outward with acts of service for others, and some of us have turned inward in contemplation and some in fear.

Some believe that any action, direction, or restriction regarding COVID is an overreaction or an infringement of personal rights. I disagree. Drinking alcohol while driving was once legal, but that is no longer the case. Smoking was allowed in public places, including confined places like airplanes — but no longer. These decisions were made with the collective good of our population in mind. They weren't decided to infringe on individual rights but to protect the folks around us for the collective good.

We have the power and the responsibility to protect each other. I think that we can view the mask mandate in different ways. We can view the requirement to wear a mask with resentment, with acceptance, or even with anger, but I challenge those out there who are angry or resentful about this order to look at those around you. Do you have an elderly person, an elderly parent, or even a grandparent in your life? Do you know anyone who lives with a complex medical condition? Have you ever had to change your behaviours because someone you cared about needed that from you?

When I wear a mask, I think about my grandma who lives in a care facility. If COVID makes it into her home, she and the other residents won't be able to fight it or possibly survive it. I think about my young friends who are already vulnerable to things like the common cold whose immune systems wouldn't be able to fight this virus, so I hope that others will join me in fighting it for them.

Wearing a mask isn't just about you or me; it's about all of us, and it's about the collective. If doing something as simple as covering my nose and my mouth can protect the folks around me, then I'm happy to do it. So, we can either view this as a stop sign — something that gets in our way — or we can view this as an act of love for those around us.

I and many others are choosing it out of an act of love. Wearing a mask is a small sacrifice to keep each other safe.

Hon. Mr. Streicker: I would like to just acknowledge for a moment the words of both members opposite. I really

appreciate their comments to Yukoners just now. From my perspective, I do feel a bit like Team Yukon. I want to thank all members of this Legislature for working together to protect the health and safety of Yukoners. I'm not supposed to say "thank you", but thank you.

Mr. Speaker, I will answer a couple of the specific questions that were raised. First of all, with respect to the legislation that the opposition tabled yesterday — what I read in it was that, if ministerial orders were to come, that, within 45 days of working in the Legislature, there be an opportunity to talk about those ministerial orders. Just to let everybody know, Mr. Speaker, I signed this ministerial order this morning. The Premier and the chief medical officer of health spoke about this new order to the public, and today — on the first day back in the Legislature — I am raising it right here for us to have a chance for all of us to comment. I appreciate the comments.

With respect to communication, I agree that it is very important to get this communication out to Yukoners. The Premier and Dr. Hanley have been signalling for several weeks that it would be coming. I have been on calls with municipalities and with First Nations to talk to them about it, and so has Dr. Hanley. We've been in those conversations. I know we've been talking with the business community. Some of this policy was shaped by that input from the business community, as a matter of fact. I think that we just put the order out as of yesterday, so we will work now on a concerted educational campaign to talk both with businesses about how business owners can do this safely with their staff and with their clientele and also with the public broadly.

I appreciate as well, Mr. Speaker, that it's true that the overwhelming evidence is that masks help and that almost all jurisdictions have brought forward a policy regarding masks.

We will do our best to encourage Yukoners by modelling the use of masks to try to get everyone on board. Just to reinforce the point that was brought forward by the Member for Porter Creek North — and I will just say it again: Enforcing the use of masks with a fine or penalty is our last resort.

I thank all Members of the Legislative Assembly for our unified front on this policy. I know it is to help protect the health and safety of Yukoners. I know that Yukoners want to do the right thing and we will work to support them in that.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: COVID-19 vaccine

Mr. Hassard: Over the past two weeks, we have been asking about the government's plan for distribution of the COVID-19 vaccine. The Premier has repeatedly told us that he is in close contact with the Prime Minister and other premiers and that he is making the case to Ottawa that rural and remote communities need special consideration. That is great, and we support the effort of negotiating with the federal government, but we know that once the vaccines are approved, there is a lot of work to get those vaccines distributed here in the territory.

The distribution of vaccines is a territorial responsibility, and in particular, it is the responsibility of the Health minister.

The government notably did not let the minister speak on this area of her responsibility yesterday when we asked these questions, so can the Minister of Health and Social Services assure Yukoners that they are working on a plan for the distribution of the COVID-19 vaccine?

Hon. Ms. Frost: I am pleased to acknowledge the collaboration between the departments of this government with regard to how we deal with COVID. I clearly have a voice to speak for Yukoners. I will do that in collaboration with my colleagues. I want to acknowledge the great work of the department and the great work of the chief medical officer of health and his team. We are working closely with our federal, provincial, and territorial counterparts. We have devised a vaccine plan. I have had meetings with my northern colleagues to speak about how the distribution will essentially take effect in the north, knowing that we certainly can't look at distribution based on our normal process. We have to look at isolation, we have to consider our population base, and we have to look at the proximity of how we deal with COVID in the north with regard to our health services — our isolation and many other factors we need to consider.

This includes having conversations with our territories and the Public Health Agency of Canada to discuss the distribution to priority populations specific to a northern context.

Mr. Hassard: Last week, Dr. Bonnie Henry said that the BC Centre for Disease Control has already created a COVID-19 vaccination program and that BC would be ready to distribute the vaccine as soon as it is ready. In Ontario, the government has named former General Rick Hillier to oversee the vaccine rollout in that province. They said that they will have a plan in place by Christmas. In PEI, the provincial government has put together a vaccination rollout committee. It is clear that every other province and territory is moving quickly to prepare for this, and front and centre in all of these rollouts and planning have been the ministers of health. Notably, Yukon's Minister of Health and Social Services has not been front and centre.

Can the Minister of Health and Social Services please provide us with an update on the plans for the distribution of the vaccine so that Yukoners can understand how the limited amount of vaccines will be prioritized?

Hon. Ms. Frost: What I can verify for Yukoners is that we do have a plan, despite the opposition's responses and questions — always fear-mongering, wanting to put fear into Yukoners. We have a plan. We are working very closely with our federal counterparts. We know there is a distribution, we have identified how that will evolve in the Yukon, we are working with our northern counterparts, and we are meeting on a weekly basis.

The vaccine procurement has been overseen by the federal government on behalf of all Canadian jurisdictions. The Government of Yukon will be responsible for delivering to residents, once they become available in the Yukon. We do have a plan, Mr. Speaker, and I am very happy to make that commitment today to Yukoners. Please rest assured that we have a plan in place. Once the vaccine becomes available, we will look at getting the distribution out as quickly as it comes

into our hands. We are working very closely with our counterparts across the country.

Mr. Hassard: Mr. Speaker, all that we are asking for is for the minister to provide a copy of that plan to Yukoners so that they can understand what is going on here. Many of the vaccines being reviewed require two doses. So, a first dose needs to be administered and then, after a fixed number of days, they need to get a second dose. This means that we will need a strong system of administering the doses, tracking the timing, and communicating with the people who have received the vaccine.

Again, this is a responsibility of the territorial government and, in particular, the Minister of Health and Social Services. Can the Minister of Health and Social Services provide this House and Yukoners with an update on the development of this system?

Hon. Ms. Frost: The Member for Pelly Nisutlin, as a leader of the Yukon Party, has been putting false information out there and now is clearly defining some procedures that are being considered, and not all of the facts and not all of the information is being distributed to Yukoners. We would be happy to distribute that information. We will do that in collaboration with the experts — the medical experts, our chief medical officer of health.

We spent quite a lot of time in this Legislative Assembly defending the great work of our chief medical officer of health — just now perhaps discrediting that work. I want to just acknowledge to Yukoners that, since March, we have been working diligently on this side of the House. We want to now just take the time to acknowledge the Yukon Communicable Disease Control Unit and all the staff in Health and Social Services, all of our staff in the Health Emergency Operations Centre for working collaboratively with our colleagues in Community Services around how we will essentially distribute the vaccines across the north with our northern partners to ensure that every person, 100 percent, is covered across the north.

Question re: COVID-19 pandemic mandatory mask policy

Ms. McLeod: The mandatory mask policy came into effect today. Unfortunately, this is another case of the government dropping the ball on communications. Instead of issuing guidance in advance of the policy coming into force, instead of providing definitions of where it applies in advance, instead of providing information on who is exempt in advance, the government — just like with the drive-through testing last week — waited until the policy came into effect to provide any details. It wasn't until 9:30 this morning that the government held a press conference to provide any details.

Why did the government not provide this information to Yukoners in advance?

Hon. Mr. Streicker: Mr. Speaker, what we did was signal to Yukoners that the mask policy was coming. What we did yesterday — I think yesterday afternoon, I signed that ministerial order. That ministerial order had some details which we are now sharing with Yukoners. We put out a livestream

this morning with the Premier and the chief medical officer of health. I just gave a ministerial statement on it here in this House.

I think those are ways that we are reaching out with the detailed information that was decided and finalized yesterday. We will work with Yukoners. But you know what, Mr. Speaker? I think most Yukoners understand that it's a mask policy. Everybody has got the idea about wearing masks. Thank you to Yukoners who have been doing a great job at wearing a mask and doing their part because I think Yukoners understand that we will all contribute together to protecting the health and safety of Yukoners.

Ms. McLeod: Mr. Speaker, now, as discussed, the government has continued to mismanage the communications for the COVID response. When I last checked on yukon.ca as of 12:10 p.m. today, you get conflicting information on who is required to wear masks. If you click on the section about masks, it says children under the age of two do not need to wear masks. On the same page, just a couple of lines down, it says the chief medical officer of health recommends wearing a mask for children 10 years of age and older.

Then if you go to the section about school buses during COVID-19, it says Yukon's chief medical officer of health requires non-medical masks as of December 1, 2020, for bus drivers and children 10 years of age and older.

Then finally, at this morning's press conference, the Premier said this applied only to children five years of age and up.

So, why is the government giving so many mixed messages?

Hon. Mr. Silver: Mr. Speaker, there is no mixed messaging other than what we're hearing from the member opposite. What we can say is that initial conversations we had with the chief medical officer of health — we were going with two years, based upon his recommendation. At that time, we did hear from concerned Yukoners. We know that Dr. Hanley and his team looked at World Health Organization requirements and the most up-to-date journalistic reviews and decided — based upon input from Yukoners and also from the most up-to-date information — to change that from two years to five years.

Now, that was explained, not only this week, but last week as well. I guess the members opposite just decide that they don't want to hear that information and then say that there is misinformation.

There is also another policy that the Minister of Education can talk about that we also explained very clearly today when it comes to schools. Again, we do recognize that change is happening, and over the last eight months, we have had a lot of different situations where the requirements and the regulations and the guidelines have changed. We would expect that the Yukon Party would help us out with the communication if there are. What I will do is take a look at the website to make sure that all the information represents the current guidelines and the current recommendations. I thank the member opposite for bringing that to our attention. Again, it is complicated. There

are lots of moving pieces here, but we want people to get their most up-to-date information at yukon.ca.

Ms. McLeod: Mr. Speaker, Yukoners rely on and expect the government to provide them with clear, accurate information in advance of policies coming into force so that they can properly follow the rules. Instead, what they have had from the government are late announcements, like the drive-through testing centre last week, or a website that does not share all the possible COVID exposures as they relate to incoming and outgoing flights. Now there are a lot of mixed messages and delayed messages from the government with respect to the mask policy. The government should have publicly shared a very clear document in advance of the mask policy coming into force so that Yukoners know exactly what the rules are.

With respect to those who are exempt from wearing masks, can the government tell us how they are going to ensure that these individuals will be able to identify themselves to enforcement officers to prove that they meet the requirements for exemption?

Hon. Mr. Streicker: Again, thanks for the question on masks. We appreciate this conversation here in the Legislature for Yukoners. The Premier and Dr. Hanley have been talking about this over the past several livestreams, talking about the need to move to a mask policy. We spoke about it here in the Legislature over a week ago. We then indicated publicly that it was coming. We let people know that it was as of this date today. We then brought in the policy and, with the policy, we are now broadcasting that out to all Yukoners.

With respect to enforcement, we want enforcement or using penalties to be our last resort, as I have now said three times today. Our CEMA enforcement officers, just to let you know, Mr. Speaker, are great at this. If they get brought in because someone has a concern, they will talk it through with the person. They will just have a conversation with that person. If they explain that there is a reason why they are unable to wear a mask, I am sure that is fine. We are asking all Yukoners to be respectful and kind as they go through this. We don't want anyone harassing anyone.

I think that it is all about education and I'm sure that we are all going to get there together.

Question re: Whitehorse Emergency Shelter services

Ms. White: The low-barrier approach to the Whitehorse Emergency Shelter has been an important step forward. It means that folks who require the services offered by the shelter can access them without fear of being turned away. But as the shelter nears two years of government operation, glaring issues continue to face both staff and the residents of the shelter.

Yesterday, the Yukon Employees' Union wrote a letter to the minister. The letter shows that the government isn't giving front-line workers at the shelter the tools that they need to support the shelter's residents and users. It lists critical gaps in training, such as mental health first aid, non-violent crisis intervention, and suicide intervention, to name a few.

Can the minister explain why, nearly two years after taking over the Whitehorse Emergency Shelter, front-line workers still don't have access to this essential training?

Hon. Ms. Frost: Mr. Speaker, I would like to take this opportunity to thank the incredible work of the front-line staff at the Whitehorse Emergency Shelter. They are providing compassionate support for vulnerable Yukoners, and for this I cannot thank them enough. The hiring practices and what we do at the shelter is a priority. Like everywhere else in our system, we want to ensure that we find the right competency of skills. Where people fall short of those skills, we bring into place practices, and we do that in collaboration with our partners in the Public Service Commission.

With regard to the letter from the union, we would be happy to work with the union on some of these concerns that have been brought to our attention. I do know that, just a few short weeks ago, we announced our approaches with the Public Service Commission around transparency and equity, as well as around indigenous supports, indigenous training, and awareness.

There are certainly opportunities for us to make improvements and I want to acknowledge that here and now. We have had a short time and a short window in the pandemic to work with the services that we have, and I want to just acknowledge the exceptional support that the staff are giving at the moment.

Ms. White: Mr. Speaker, it has been two years since the government took over operations, and I think that, more than thanks, the shelter employees would really like essential training. The gaps in training at the shelter also have an effect on shelter residents. The services offered by the shelter rely entirely on staff being able to deliver them. If the staff aren't sure how to respond to a specific situation at the shelter, then what assurances are there that residents are receiving the help that they need?

The YEU letter also states — and I quote: “Specific policy ... on how to handle the many difficult situations that front-line staff face daily either do not exist or have not been communicated to the staff.” *Putting People First* calls for a move toward trauma-informed care, but without proper training and policies, this approach can't be put in place.

Does the minister acknowledge that these important gaps in training are undermining a trauma-informed approach at the Whitehorse Emergency Shelter?

Hon. Ms. Frost: Mr. Speaker, what I would like to speak about is the services that we do offer at the Whitehorse Emergency Shelter, acknowledging that we deal with vulnerable populations. It is critical that we look at trauma, at what causes trauma, at how we support the individuals, and that we ensure that we have services at the shelter, recognizing that we have limitations at the moment in terms of how and what we provide for the clients in utilizing virtual supports.

We have supports throughout the community. We have staff on site who are skilled to provide the connections.

If there are specific concerns that the letter the Member for Takhini-Kopper King is just referencing that just came in last night from the union, certainly I want to acknowledge that we

are working with our staff. We are working with the department to address some of the concerns that have been brought to our attention. Is it perfect? No, it isn't. Of course, one day, we would like to have a shelter that meets the needs of everyone.

At the moment, we have the Third Party wanting us to do one thing one day and something else the next day — shut it down, protect the businesses, do all kinds of things. Right now, what we are doing is ensuring that the critical needs of the clients who frequent the shelter are there and supported.

Ms. White: Just a reminder to the minister that the Yukon government — her Yukon government — took over the shelter in January 2019 — nearly two years ago. For the precariously housed, practising the “safe six” can be difficult or even impossible at times, and this is part of the challenge faced by the Whitehorse Emergency Shelter staff in working with folks who need help during the pandemic. Yet we are told that the COVID-19 staff information document that front-line workers rely on was last updated on May 22; that's six months ago.

Another issue is the lack of sick leave. Whitehorse Emergency Shelter has, until recently, relied entirely on auxiliary on-call positions. This means that they don't have access to sick leave and it puts both staff and shelter users at risk. This needs to change.

Will the minister commit to ensuring that all Whitehorse Emergency Shelter staff can access sick leave as a measure to protect the shelter staff, the Yukoners who use the shelter services, and the general public?

Hon. Ms. Frost: We are working with our staff at the Whitehorse Emergency Shelter. We continue to train the staff. We are looking at all of our policies. It is evolving — the policies evolve.

As we are in the middle of COVID, we recognized that we needed to bring in supports, so we have. We've evolved since we've taken over. When Health and Social Services took the shelter over, we had 13 people in there.

Right now, we are providing services in the middle of the pandemic and we are evolving. We are providing protocols to ensure that safe protocols and practices are in place. We are looking at hiring further positions. At the moment, we have created permanent positions in the shelter to provide supports — I'm happy to say that — but we are looking at some alternatives. We are doing that with the good work of the managers and, of course, the staff at Health and Social Services. We will do that in collaboration with our Public Service Commission staff as well as we look at stabilizing our staff there so that we can ensure an appropriate complement of supports for the clientele.

Great services out into the community — to our NGO partners, I want to just emphasize the great work there and that we will continue to do our best to ensure that our clients at the shelter are well-supported.

Question re: COVID-19 pandemic business relief funding

Mr. Istchenko: Over six weeks ago, the Liberals said that they would give \$15 million for tourism relief, but the

Liberals have purposefully been stretching out the announcement to maximize the number of new releases for partisan gain, Mr. Speaker.

These businesses are in desperate need of relief, but instead the Liberals are playing politics with the money, and members of the Liberal team insult bars and restaurants by calling them “drug dealers”. Even after yesterday’s announcement, we still have no details on where the other \$11 million in tourism relief is going. Just imagine those businesses sitting there waiting, Mr. Speaker.

Why is this Minister of Tourism and Culture sitting on \$11 million and refusing to announce it?

Hon. Ms. McLean: Mr. Speaker, thanks for the question. I am really happy to stand in the Legislative Assembly today and talk about two new really important programs to tourism businesses. The tourism non-accommodation sector supplement and the cultural and tourism non-profit sector supplements that we announced yesterday are supplements to the Yukon business relief fund. Again, we have taken a whole-of-government approach since day one. We have introduced many programs since the start of COVID-19, including the events cancellation fund, the sick leave, essential workers, and Yukon business relief, and we are now introducing a suite of programs that are a net for those businesses that have maxed out of some of the programs. It was the same for the accommodation program that we announced when we talked about the \$15-million investment that our government is and will be making to the tourism sector.

These programs are essential. We have worked with our partners. These are relief programs, and we have a suite of programs that we have worked on since the beginning of the pandemic. We will continue to work with our partners. They helped us design these programs for them.

Mr. Istchenko: I believe that I asked the minister about the \$11 million that she was sitting on. She just spoke to this announcement hot on the heels of members of the party calling bars and restaurants “drug dealers”. The announcement has a major flaw to it. Bars and restaurants only qualify if at least 60 percent of their revenue comes from visitors, but bars and restaurants are struggling for a whole lot of reasons other than just a lack of tourism. There are government-mandated limitations on spacing and capacity. People are going out less. These are having serious impacts on businesses, Mr. Speaker.

The result of designing the policy this way is that a lot of businesses on the brink will not be helped, so can the Minister of Tourism and Culture tell us how the Liberals landed on the 60-percent threshold?

Hon. Ms. McLean: I am happy to talk about the threshold, but first I would like to talk about the health measures that have been put in place to protect Yukoners. We have worked as a whole government. We have worked with our chief medical officer to put in place the essential guidelines to keep Yukoners safe. Those guidelines are not only limited to Yukon. This is a global pandemic. We are doing what we need to do to keep Yukoners safe.

Members across may not agree with that answer, but we followed the science. We followed the chief medical officer’s

recommendations, and businesses are complying with that. I am happy to see that, as the minister responsible for occupational health and safety, our department is absolutely working on that front, too, to ensure that businesses are supported. We are taking a supportive approach.

In terms of the 60-percent threshold, this is derived from the Tourism Industry Association of Yukon as an eligibility requirement for the Elevate program. It used to be 80 percent. We reduced it to 60 percent in line with TIA. That has actually made restaurants and bars eligible for this fund.

Mr. Istchenko: We totally understand that these businesses — we are in a pandemic and there are some things that are mandated, but nevertheless, they have fewer customers, Mr. Speaker.

We know that members of the Liberal team have made discouraging comments about the bars and restaurants, referring to these hard-working and highly regulated businesses as “drug dealers”. We also know that the Liberal government has refused to distance themselves from those remarks; that’s disappointing. In fact, the Deputy Premier shockingly said yesterday that he supports his colleague for making those comments. Despite these attacks on bars and restaurants by members of the Liberal team, many were holding out hope for relief, and they were disappointed yesterday when the announcement came with a huge asterisk: The only eligibility is if 60 percent of your business is from tourists. So, as we’ve discussed, these businesses are suffering from so much more than just a loss of tourism.

So, Mr. Speaker, will the government remove this short-sighted requirement?

Hon. Ms. McLean: I want to also just carry on with my previous answer in regard to the 60-percent threshold. This is based on 2019 revenues from tourism visitation. I suspect that most businesses will not have any issue showing that 60 percent of their revenue was derived from visitation.

Again, we’ve worked with our partner — with the Tourism Industry Association of Yukon. We worked with them in partnership to set this eligibility requirement. I think that you’ve heard the president talk about that in the media just recently — that we have not heard any pushback around this from the industry. Actually, reducing the threshold makes restaurants and bars eligible — 80 percent would have been a struggle for them, potentially.

This is actually very much in support of restaurants and bars. I want to remind the member opposite as well that we have had all of these other programs in place, so all businesses in Yukon have been supported. I’m really happy to hear him speaking potentially in favour of programs today — maybe; I’m not sure.

But I want to remind Yukoners that they voted against this supplementary budget.

Question re: ATAC Resources tote road project

Mr. Kent: So, the Yukon Liberal government has denied a permit for the ATAC tote road over three years after YESAB said that it could proceed with certain mitigations. The

company began that environmental assessment process on this project in 2016.

As I mentioned yesterday, this company has been active for 13 years and invested over \$100 million in exploration in this area. The minister said yesterday — and I'll quote: "... I think it's important to make a note that the proponent that has applied for this application, which has been noted here, does have the ability to improve their application and apply for this. This is not a full stop on this."

Can the minister elaborate on this comment? Is he suggesting that the proponent resubmit to YESAB and risk millions of dollars more?

Hon. Mr. Pillai: Again, for individuals who are listening to our debate today, we are talking about an application that was turned down by the Department of Energy, Mines and Resources. The reason that it was turned down was because of two key points.

First, the company did not demonstrate sufficiently in its application that the significant adverse environmental and socio-economic effects identified in the Yukon Environmental and Socio-economic Assessment Board evaluation could have properly been mitigated, as the member opposite said. There were YESAB recommendations, and this application didn't meet the benchmark to mitigate those.

Secondly, the First Nation of Na-Cho Nyäk Dun identified a number of significant adverse impacts that may occur on its treaty rights, including hunting, fishing, trapping, and its use of the area for traditional pursuits if the project was to proceed at this time.

The Government of Yukon agreed with these concerns and determined that the application did not appropriately or sufficiently indicate how these impacts would be mitigated — so, a bit on that.

What I was referring to yesterday is that I think that the Department of Energy, Mines and Resources, as many know here, has always been very client-centred. There seem to be some challenges with the application, and I urge the individuals to reach out to the department.

Mr. Kent: In their news release yesterday, ATAC suggested that they do not agree with many aspects of the government's decision. So, in March 2018, the minister told this Legislature about the ATAC deal — that this is a new way of doing business and, in fact, this is how business gets done. Now we find out that this is just another case of this minister being a big talker but unable to deliver.

It has been three and a half years since YESAB issued a recommendation that this project proceed with mitigations. It has been two and a half years since the minister told us that this is how business gets done, but his new way of doing business is just a way for the Liberals to string companies along, waste money, and then deny their permits. The minister said yesterday that he spoke to a CEO of a mining company that would prefer to spend all of their money in the Yukon.

So, can the minister tell us: Was this before or after he told them that he had pulled the rug out from under ATAC, a company that has spent over \$100 million in the past 13 years?

Hon. Mr. Pillai: I don't really believe that countering a series of personal attacks is leading to any value here for the Legislative Assembly today.

Again, I have shared, in my answer for question one, what the challenge was with the application. I would hope that, under a Yukon Party government, it wouldn't be any different.

Maybe — I would love to hear that from the member opposite: If the Yukon Party were in government, would this process be any different? This was an application that was sent in to a technical team of professionals that assessed it. So, maybe just for Yukoners: Would it be different? I would love to know that.

We will look to the expertise of our department; they will assess and we'll go from there.

Mr. Kent: Just a reminder for the member opposite: He is the Minister of Energy, Mines and Resources.

On April 10, 2017, this minister went on CBC Radio to brag about Barrick Gold investing in the ATAC project. He bragged that, with the entry of Barrick into the Yukon, we now had all the major gold players in the territory. He went on to say that this was due to his Liberal government's policies and that made Yukon a great place to invest. Well, what a difference three and a half years can make.

Since that time, Barrick Gold has pulled out of the Yukon and now the ATAC project that Barrick first invested in is in jeopardy after the Liberals strung the company along for over three years. So much for his new way of doing business.

One of the very first things the Liberals promised the mining industry was a collaborative framework to deal with the issues of timelines and reassessments. Since that time, this minister and the Premier have been unable to deliver on the big promises of this file. Can the minister tell us why?

Hon. Mr. Pillai: Mr. Speaker, what I do remember over the last number of years is sitting down with investors across the country who tend to finance these projects. One thing they said was, "Please — not like the last mandate where there was a lot of money spent on exploration." Inevitably, you have to make sure that mines get opened.

I think that most Yukoners are happy when we have good-paying jobs. Their children can come back to the Yukon and work to have a great quality of life. We can see that, whether you're applying for the Eagle project or you're working outside of Mayo — maybe you're applying to work at the Minto mine, or maybe now, with the many jobs that have just been posted, you have the opportunity to work for Alexco — three great companies.

I know that, when I speak with investors across the country — although we may take a lot of attacks here in the Legislative Assembly from the opposition — what they're really looking at is the fact that you can take that project and move it to that point. Usually that's done with a good solid assessment system as well as good relationships with First Nation governments.

The rest of North America understands that. The mining sector understands that. I just don't know why the Yukon Party doesn't understand it.

Speaker: The time for Question Period has now elapsed.

Notice of government private members' business

Hon. Ms. McPhee: Pursuant to Standing Order 14.2(7), I would like to identify the items standing in the name of government private members to be called on Wednesday, December 2, 2020. They are Motion No. 237, standing in the name of the Member for Porter Creek Centre, and Motion No. 350, standing in the name of the Member for Mayo-Tatchun.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 11: *Act to Amend the Land Titles Act, 2015* — Third Reading

Clerk: Third reading, Bill No. 11, standing in the name of the Hon. Ms. McPhee.

Hon. Ms. McPhee: Mr. Speaker, I move that Bill No. 11, entitled *Act to Amend the Land Titles Act, 2015*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Justice that Bill No. 11, entitled *Act to Amend the Land Titles Act, 2015*, be now read a third time and do pass.

Hon. Ms. McPhee: Mr. Speaker, the House has had a thorough discussion and covered a significant amount of material during the debate of Bill No. 11. I would like to take a couple of minutes to discuss the bill and its context before the vote at third reading.

As I mentioned at second reading and discussed during Committee of the Whole, the tabled amendments to the *Land Titles Act, 2015* are critical in order to provide greater certainty to the registration of category A and category B settlement land in the Yukon Land Titles Office. Our government has been working diligently to come up with viable options for the registration of settlement land at the Land Titles Office in a way that meets the objective marketability while respecting the First Nations' jurisdictions and protecting First Nations' land interests.

We are pleased to be working together with Yukon First Nation governments to increase opportunities for land and economic development here in the territory. To respond to the recommendations set out by the land titles registry working group, changes are required to Yukon's *Land Titles Act, 2015*, and subsequently, changes will also be required to the settlement lands regulation. The tabled amendments — the ones before the House here today — expand the definitions of “subsidiary certificate of title” and “development agreement” and recognize the authority of the Yukon First Nation governments in respect of the development agreements, plans of subdivision, and approvals of air space plans.

Mr. Speaker, as I mentioned during the debate of this bill, the proposed amendments will enable us to continue working with interested First Nation governments to support their use of the Yukon Land Titles Office to register their settlement land. In conclusion, I recommend that the members of this

Legislature support the passing of the *Act to Amend the Land Titles Act, 2015* as a means of responding to the recommendations that were set out by the land titles registry working group, providing Yukon First Nation governments greater certainty in registering their settlement land.

I urge all members to support the passing of Bill No. 11 at third reading. I would like to thank the members of the land titles registry working group for their diligence and dedication in finding a solution and working with our partners, particularly First Nation governments, to make this progressive move here in the territory, while protecting the rights of Yukon First Nations on their land.

Mr. Cathers: I am not going to speak to this at length, since I have previously spoken to this legislation. I am pleased to see this coming forward. The major changes to the *Land Titles Act* — or I should say, the introduction of the new act — was something done by the last Yukon Party government, with me as Minister of Justice. We recognize that, since that time, there were some additional changes that were identified and are necessary to fully implement the desire to see First Nations, beginning with Kwanlin Dün, to actually complete the registry of settlement land in a land titles registry.

Again, I would congratulate all who have been involved in this work over the years for their efforts. I am pleased to support the passage of this legislation.

Ms. Hanson: I thank the minister for her summation of Bill No. 11 with respect to the amendments to the *Land Titles Act*. I would echo that I think that we have come a long way with respect to this bill. The first reading was in March. We debated at second reading on November 5 and, in fact, it is 25 years since the first four First Nations finalized their agreements and 15 years since Kwanlin Dün completed their agreements. As the minister said, it is to the great credit of the land titles registry working group that, in fact, their persistence and patience has finally seen the passage of amendments to the *Land Titles Act* that will allow First Nation governments to pass their own lands act — as Kwanlin Dün has done — which define, as they have done, the values and the uses for their lands, including the economic opportunities that may be realized as a result.

As with all of the legislation that we have passed today, and as the minister commented again today, the key to having this come into effect is that we have to have regulations passed. So, I hope the minister will be able to tell us with some clarity when that will happen, because I think — as we've all commented on — the patience and the persistence of First Nation governments in working this through with various governments of various stripes is to be commended. But if they have to wait for yet another four or five years to see regulations before any of this can actually be realized, the potential that these amendments to this act bring with it — that would be very disappointing.

I'm hopeful that we're going to see these amendments coming into effect in short order as opposed to simply passing the bill — tick; done. That's not what this is about, I hope. I

hope that we are seriously working toward the full effect of these amendments and what they could realize not just for Kwanlin Dün but for other First Nations as they move to work with the system and to the work that's necessary within their own governments to realize the potential that these amendments do bring.

We will of course be supporting this and we look forward to speedy passage and the bringing into effect of the legislation and regulations.

Speaker: If the member now speaks, she will close debate.

Does any other member wish to be heard on third reading debate of Bill No. 11?

Hon. Ms. McPhee: Thank you, Mr. Speaker, for this opportunity. Thank you to the members opposite for their comments and their important questions during debate.

Mr. Speaker, Bill No. 11 before the Legislature today is an example of responsive government. We listened and worked with our partners, with Yukoners, and with other levels of government to improve opportunities. That's what this piece of legislation is about. There are minor changes needed to the settlement lands regulation as a result of the changes that I hope will pass today going forward. We're dedicated, and my team and office are dedicated to the realization of this as soon as possible.

Of course, there have been, as we are aware in other circumstances, a need — perhaps a need, depending on the agreements — for First Nation governments to amend their settlement agreements. I can reiterate the Government of Yukon's commitment to doing that. Those are absolutely quickly done by our government, and I know that there is support at the federal government level for that to happen as well so that there is no delay there. That is a critical piece for the governments that choose to use this piece of legislation going forward — and their ability to do so.

Speaker: Are you prepared for the question on third reading of Bill No. 11?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Ms. Frost: Agree.

Hon. Mr. Pillai: Agree.

Mr. Adel: Agree.

Mr. Hutton: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Hon. Ms. McLean: Agree.

Mr. Gallina: Agree.

Mr. Hassard: 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 17 yea, nil nay.

Speaker: The yeas have it. I declare the motion carried.
Motion for third reading of Bill No. 11 agreed to

Speaker: I declare that Bill No. 11 has passed this House.

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

The matter before the Committee is continuing general debate on Vote 51, Department of Community Services, in Bill No. 205, entitled *Second Appropriation Act 2020-21*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

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

Chair: The matter before the Committee is continuing general debate on Vote 51, Department of Community Services, in Bill No. 205, entitled *Second Appropriation Act 2020-21*.

Is there any general debate?

Department of Community Services — *continued*

Chair: Ms. White has 17 minutes, 44 seconds.

Ms. White: Wouldn't we all be shocked if I took all those 17 minutes and a bunch of seconds? I am just about to cede the floor to the Yukon Party, as per our previous agreement, but one of the things that we talked about — the very last thing — on the 19th was that the opposition members hadn't had a briefing with Dr. Hanley since September, and I

would like to acknowledge right now that, after that conversation, we had a briefing last Friday with Dr. Hanley, the chief medical officer of health. I would like to say thank you, and I appreciate that very much. Sometimes, you know, things in this Chamber move at lightning speed, and I think that this was an example. I just want to say thank you. I look forward to more questions when it is my turn again.

Hon. Mr. Streicker: I am happy that we were able to get more of those briefings. Just based on the conversation that happened here, I did have a conversation with the chief medical officer of health and the COVID response unit.

Just to begin with, I would like to welcome back to the Chamber Deputy Minister Matt King and our director of finance, Mr. Phillip MacDonald. All of us, I am sure, appreciate when the public servants come here to help get information shared.

One of the questions that came up during the ministerial statement on the lots of lots was around community land development. I asked the department to update me on that development and I will share that here with the Committee. This is our current community work on land development. I will go community by community.

First of all, with Carmacks, we have urban and country residential industrial development projects. We have completed preliminary design options and are assessing options for cost recovery. Our target for tendering construction is the spring and summer of next year, 2021. Further anticipated land development work will be tied to the official community plan review that is currently underway.

For Dawson City, the north end development project is working through some details with the City of Dawson. Our target is for construction completion next summer or fall. The Dome Road serviced residential development project has master planning work underway and the target for completion of that planning is the summer of next year. Industrial mixed-use infill projects — we have completed feasibility assessment work. Planning and regulatory review are in progress and our target is for a couple of lots becoming available in the spring of 2021. We hope for some additional lots to be available for the fall of 2021.

We have another project around vacant lot development in Dawson. This feasibility work is nearly complete on two lots and we are working with the city to identify other vacant lots for development. Again, there are a couple of lots targeted for this coming spring. The Dredge Pond 2 country residential project is working with the City of Dawson right now around planning and feasibility and to make sure that this is still the direction in which they wish to go.

For Destruction Bay, we have completed a concept for Glacier Acres phase 2. We will be focusing on municipal and First Nation lot needs.

For Faro, anticipated land development work will be tied to their upcoming official community plan process.

We have work that has been ongoing with Grizzly Valley. I haven't had a chance to check in with my colleague, the Minister of Energy, Mines and Resources, but we have been

working on about 11 lots there, in conversation with the neighbourhood.

With Haines Junction, work there is tied as well to their work on the official community plan which is currently under review.

In Keno, we have done some feasibility work which is completed and we're now working through some regulatory issues to enable the release of two to four unserved residential lots. We are targeting that release in the spring of next year.

We were in conversation with Mayo today, both with the Village of Mayo and the First Nation of Na-Cho Nyäk Dun. We have some urban infill going on and we finalized development on some vacant lots and we're commencing the design feasibility work for a small subdivision extension. Our target is five to 10 vacant lots available for the spring of 2021 and advanced planning and design of a small subdivision later this year. We're also doing some country residential work that I will talk about when I touch on Na-Cho Nyäk Dun.

For Ross River, we have a zoning amendment underway for two industrial lots pending approval and we anticipate some lots being available for release in the spring of 2021. For Watson Lake, we have completed feasibility planning and design for some country, urban, residential, and industrial development projects and we are just waiting on their official community plan. We're hopeful that gets underway or those lots come out in the spring or summer of next year.

We're also partnering with several First Nations. I have spoken previously in the Legislature about Marshall Creek, but let me touch on a few others. Kluane First Nation — we're doing the Bear Creek subdivision; options are developed and we're exploring land development needs in Burwash and we're doing some road upgrades in and around Burwash. Kwanlin Dün First Nation and Ta'an Kwäch'än Council initiated joint planning on the Kwanlin Dün First Nation/Government of Yukon Range Point parcels. We're working on a request for proposal right now. With the Little Salmon Carmacks First Nation, we're in discussion around a potential joint project between them and the Village of Carmacks for development projects in and around the community.

With Na-Cho Nyäk Dun, we're talking about land development opportunities on the upper bench. For the Teslin Tlingit Council in the Village of Teslin, we're advancing Lone Tree country residential and airport industrial projects. We think that the target for construction tenders is early in 2021. With the Carcross/Tagish First Nation and their management corporation, we're advancing some joint planning discussions around work on the Tagish Avenue and Bennett Lake parcels.

That's my update on that, Mr. Chair. I'll make sure to share this note across with the folks from Hansard so that they don't have to work through that so completely and get that for them to work from.

Mr. Hassard: I would like to thank my colleagues from Porter Creek North, as well as Takhini-Kopper King, for allowing me to have a few minutes to ask a few questions here. I would also like to thank the officials for being here today and assisting the minister as we work our way through these questions.

The first questions I had — or probably all of my questions — are in regard to the legislative tools that the minister has used and I guess is still using.

Let's start with CEMA or the *Civil Emergency Measures Act*. Mr. Chair, I'm wondering if the minister could walk us through the declaration of the state of emergency. What steps were taken by officials? Which steps were actually taken by the minister?

Hon. Mr. Streicker: Mr. Chair, thanks to the member opposite for the question. I had mentioned in Committee before that, even before we got to the declared state of emergency — in fact, even before we cancelled the Arctic Winter Games — we had fired up the Health Emergency Operations Centre. So, just in part of the planning process, I think that was the first group that we fired up. As we saw that the pandemic was actually a threat to the territory, we pulled together a deputy minister executive committee, a human resources committee, and the Emergency Coordination Centre. Those four work together; they make recommendations to Cabinet. The declaration of the state of emergency is an order-in-council. As well, the chief medical officer of health in his capacity, his office, but in conversation with other medical officers of health across the country, provides advice or recommendations to Cabinet. Then, on March 27, the state of emergency was declared in response to the pandemic. It has been extended twice — on June 12 and September 9.

I will leave it there, but following that would be when we put in place border controls, isolation requirements, enforcement, and several other ministerial orders that were there to try to serve Yukoners to help protect their health and safety, ultimately then leading to yesterday when we signed the most recent ministerial order, which was mandatory masks.

Mr. Hassard: Previously, the minister has indicated that he agreed with opposition members on the fact that the act is out of date and wasn't well suited to our current situation. I'm wondering if he could kind of elaborate on that and let us know what parts of the act that he doesn't feel were suitable.

Hon. Mr. Streicker: Almost any act could stand some improvement. Let me give you a really clear example with this act. It doesn't discuss First Nations at all. It doesn't discuss self-government agreements. It doesn't recognize First Nations and their role as decision-makers. It's silent, and it's because of the age of the act. That's definitely missing.

The fines that we saw were at \$500 as the maximum, and that was the maximum even if someone repeated an offence day after day. It was still just a total of \$500. That's fine, maybe, for individuals, but if we're trying to deal with businesses that said to themselves, "Well, I'll pay that \$500; I don't care" — that was challenging. That's another thing that is out of date.

I appreciate that the opposition has put forward suggestions. I think that those are worthy suggestions to consider. One of the things that caught me off guard was when it took us five weeks in this Legislature to pass a motion where we all agreed that we were still in a pandemic.

I have to say that, even though pandemics are different types of emergencies than a fire, there are still times when you have to move quickly. Even today through Question Period, I

heard criticism that we weren't moving fast enough at informing Yukoners. There are times when you actually have to move, and there's an analogy that I heard from you, Mr. Chair, at one point when you were talking about forest fires. You do a lot of work to put out the forest fire, and then you have to keep an eye on it because, every once in a while, a spark flies somewhere. That spark can catch. If we're not diligent, it can move quickly. So, even though this type of pandemic is different from a flood or a fire, there still are times when we need to move quickly.

In general, I want to say that I feel that, under the act, we have been able to keep Yukoners safe — that we have been able to use the tools that are here — but I do agree and still stand by my words that there are improvements that the act could realize. I look forward to having a dialogue with the public and with all members of this Legislature on their perspectives. The whole notion of this pandemic — people have called it sometimes the "novel" coronavirus, meaning that it's not something that we have experienced previously, meaning that we should continuously watch it and try to understand how to improve our response.

Similarly, the tools that we have at our disposal — for example, the *Civil Emergency Measures Act* is something we would continuously want to see improved. I think that there has been an opportunity to learn out of the process that we've had to identify any gaps that we have and then use that to try to bring forward suggestions for how we can have a better suited act — one that would deal with a long-term type of emergency. I look forward to having that kind of dialogue with the public and members opposite.

Mr. Hassard: So, a couple of things in the minister's comments — he talked about the motion and five weeks to pass a motion. I would remind the minister that we were already six months into this state of emergency. A motion brought forward here in debate — they are non-binding motions, so they have no action on the state of emergency. There is no action that the government necessarily was going to do in regard to the motion, so I think that it's interesting that he feels that it was such a big deal.

The one thing that I have noticed that the act doesn't do is that it's silent on MLAs. It doesn't discuss their roles, and it doesn't discuss the role of the Legislature either.

So, I am curious — are there any other changes that the minister thinks are needed with CEMA? I am also curious as to whether he has asked the department to begin a review of the legislation.

Hon. Mr. Streicker: The member is correct. We are using the existing law that we have and that was written decades ago — that I am sure they used when they looked at SARS or H1N1. This is the tool that we have in front of us, and we will continue to use it to our best ability to keep the health and safety of Yukoners at the forefront.

I guess I haven't yet formed an opinion about the role of all MLAs. I look across other legislation and it is not typical for there to be a role for other MLAs in other legislation, so should there be on this one? Then I looked across other jurisdictions, and I saw two jurisdictions in Canada that do provide a role,

and I saw others that don't. I think that this is a discussion that is yet to come. I look forward to it. I remain open to it is what I want to say. I can see reasons, but I also recognize that, if that were to come, we would need to make sure that we are not encumbering the government with taking five weeks to make a decision. That would be very difficult when you are up against hard choices that are in front of you quickly.

I think that, if there were to be amendments — for example, let's say that the members opposite — and I am curious whether they will bring their bill forward for debate. But if we were to debate it, the thing that I would be looking for is how we could put in place some time limits or something that would ensure that the health and safety of Yukoners could be maintained — so that we didn't get caught in a situation where we weren't able to make a decision in a timely fashion.

That is the challenge that I think exists with the suggestions that have been brought forward so far. Am I in favour of them? I am in favour of a debate on them. I see value in them. I disagree that the members opposite didn't have an opportunity to discuss issues with us. I have said in the Legislature — and I will say it again — that I responded to e-mails and letters from members opposite over those months when we were not here. I got one, which asked me about the ministerial orders.

By the way, just for the record, Mr. Chair, I will note that, to date, I believe that we have 20 or 21 ministerial orders. The members opposite keep referring to dozens, but that is not the case. It is not really an important point, but it is just to note that there seems to be some sort of misunderstanding. I went back and looked through all of my colleagues' correspondence to see if there were other letters that had come from the members opposite on issues of ministerial orders. Again, I found one other. We all have been here in the Legislature for a couple of months — two months today — and I haven't had questions on those ministerial orders, although I hear lots of criticisms about them. I am not sure which ones the members opposite are concerned about. Was it the one where we said to pharmacies that they should be able to extend prescriptions to help Yukoners? Was it the one where we said that people shouldn't be evicted if they are renting and isolating? Is it the one where we said that someone's property tax deadline was extended for a couple of months? I am just not sure which one was the problem — or ones — and I look forward to hearing about that.

The other reason why I think that we did still work to try to provide answers for the members opposite was — well, not me. I believe that it was the Minister of Justice, perhaps acting as Government House Leader, who wrote to the parties to suggest coming into the Legislature and having times when, first of all, we could answer budget questions and, second of all, we could answer questions about the ministerial orders which seemed to be of concern. That wasn't deemed acceptable by the members opposite. What I heard them say is that it is because it's not a session. I am sitting there thinking, "Well, okay, but isn't it answering questions? Isn't it getting to the information? Wouldn't we be public about it?" That letter went twice, and the answer was no. The members opposite were not interested in that. What they were interested in was saying publicly that this was unfair to them or unfair to the Yukon.

The focus should be around how to keep the safety and welfare of Yukoners at the forefront. I stand to say that we are happy to answer today, and ongoing, any questions about the ministerial orders and the things that the members opposite may have concerns about.

Mr. Hassard: Mr. Chair, there were a lot of things in that response, but I didn't hear the minister say if he had asked the department to begin a review of the legislation.

There are a few things that he did say that I would like to speak about for a second. He talked about the Minister of Justice saying that the government would allow us to come here to the Assembly to ask questions on a variety of different things, but I don't think that this was the point. The point was about legislative oversight. The point is about ensuring that what is said here in the Legislature is captured by Hansard. It is important that what is said in this Legislature is documented for people to look at. I am sure that the minister may disagree with me on this, but there have been several times in the past four years when we have mentioned things that were said by ministers of this government, and the response is: "I didn't say that" or "That's not what I said." Well, Mr. Chair, that is why it is so important that we have everything documented and recorded, because it's very easy to say that it's not what I said or that's not what I meant, but if we have it in black and white, we have it in black and white. That's very important, and I think the minister needs to understand and respect that.

With regard to the invitation from the Minister of Justice, we responded to that on more than one occasion and never received a response back from the government. So, I think that it's unfair for the minister to say that we were offered these opportunities and didn't take the government up on them, because, no — we actually did respond to the Minister of Justice and to the Premier with ideas and options that were never responded to. I don't think that it's fair for him to accuse the opposition members of not taking advantage of those situations either.

Another thing that he mentioned — he talked about SARS, comparing what previous governments did with H1N1 and SARS and how they dealt with it.

I don't think that it's a good comparison either, because, to the best of my knowledge, there were no states of emergency called during those times. I think the minister is — while I appreciate that he's trying, I don't think that he's completely on track either.

I will ask the minister if he has in fact asked the department to begin a review of the legislation, and we'll go from there.

Hon. Mr. Streicker: I apologize for not answering the question the last time I got up. That was just an oversight on my part.

Let me begin by saying that I have not asked for a formal review by the department, but I have asked them, at all times, to be marking those elements of the act that will need some help or could be improved upon. I have asked them to be conscious about it and to be thinking about it, but I have not asked for a formal review to begin. I've talked to municipalities, I've talked to First Nations, and I have said to them that we will want to review this act and to be thinking about it. What I've

asked the department to do, and other governments to do, is to focus on keeping Yukoners safe right now during the pandemic. That's what I'm asking them to focus on.

An act — or amendments to an act — takes time and thoughtfulness; it's a process. I don't want to pull energy and resources away, right now, from dealing with the immediate emergency that we are in to focus on the future of it. I have been doing my best to use the tools that are in front of me to provide the members with opportunities to share their concerns and criticisms. I will say that I look for their suggestions.

In a moment, I'm going to give an example of where I thought that it would have been great to hear — but I didn't get it.

The letters that the Minister of Justice wrote to offer opportunities to have debate on the budget here in this place, in the Legislative Assembly, were sent by the Minister of Justice on May 6, again on May 14, and again on July 24 — making that offer to have deputy ministers and directors of finance to come in to help answer questions on the budget. I will check those letters, but I am pretty sure that we did offer to have those meetings recorded and available to the public and aired to the public so that they could hear them and so that people could be quoted and held to account. I will check. We wrote to the members opposite on May 21 and June 5 to offer the same type of open conversation around ministerial orders.

I am trying to point out with SARS and H1N1 — not that it was the same type of emergency that we have today. No, this pandemic is new. It is global in nature. If you are not careful, it can take off on you in a hurry, as we saw with Nunavut. It is challenging to deal with, so I don't compare them in any way. I am just noting that you would have needed to look at the act — at the *Civil Emergency Measures Act* — when you got into H1N1 just as we did, ahead of time, when COVID started to appear in other countries. Before it was even here, we started to look at that act and say, "Let's take a look at it. Let's start to understand how we would need to respond."

I am going to give one example about how I would love to have had a suggestion from the members opposite. They put out a press release right around the end of May, and that press release was talking about concerns with a map that we were handing out to Alaskans in transit, travelling across the Yukon. They were stopped at the Watson Lake border and the Junction 37 border, and they were handed this map. In that press release, the members opposite talked about a concern that we, as a government, were picking winners and losers because there were some businesses that were listed on the back. They were there to be examples about where those travellers could stay. They were trying to be helpful, but as the press release noted, we weren't listing all potential businesses on the Alaska Highway. Well, you can't physically — there are too many businesses.

The members opposite put out a press release. Next, they called some of the businesses along the highway, and I started to get calls from those businesses. In those calls, businesses were concerned that we had been picking winners and losers. Okay, great — I reached out. I looked for the press release, but I couldn't find it. It wasn't published on their website. I called

the Member for Copperbelt South because I had heard, through phone calls, that he had been the person who put out the press release. I asked him whether he had shared that with me, because, if they had a concern about those businesses, why not talk to us so we could try to correct the problem? But they hadn't.

It turns out, as a matter of fact, that, about two or three days before they put out their press release, I got a call from the Mayor of Watson Lake with the same concern. It was maybe on the Wednesday night that I got the call. I think that, by the Thursday or maybe the Friday, we had already changed those maps. We agreed that it was not correct that some businesses were listed and not others. When it was drawn to my attention — and I thank the Mayor of Watson Lake for doing that — we changed it.

It was after that — actually, it wasn't the members opposite's idea. It was after this that they put out their press release. As their press release went out, we had already corrected the problem, so the press release was talking about a problem that had already been corrected.

If the members opposite really wanted to contribute and help, why not send it to me? Why not draw it to my attention? I went on this chase to try to track it down and figure out what was going on. That, for me, was a concern. I could pull up my correspondence with the Member for Copperbelt South — by the way, he said that he would get back to me. Well, that was June 1; I don't have anything back yet.

I just want to say, Mr. Chair, that I appreciate that everyone is working hard. I think that the members opposite are working hard and we are working hard. I think that they hear from folks out there in the public, and I think that we do, too. We are all, I hope, working to support the health and wellness of Yukoners. I just say again that, if that is the way that they are wishing to work, why did they not reach out?

Mr. Hassard: Again, the minister has highlighted quite a few things. He talked about the fact that they were looking at this act long before.

That's interesting, because when we brought it up here in the Legislature in March, the Premier actually accused us of fear-mongering and said that there was nothing going wrong in the world, that everything was going to be fine, and that we were actually bringing forward false information and causing people to panic for no reason.

Now the minister can stand here and say, "Well, we were actually looking at that a long time in advance." So, rather interesting — the contradiction there.

The minister talked about if we wanted to chat. He talked about winners and losers in regard to the map that they put out. Yes, they did, in fact, pick winners and losers, and it affected businesses for weeks to come. If he wanted to chat about that, we asked on numerous occasions to call the Legislature back. Let us come here and discuss some of those things. That's how democracy works. To come here and have a meeting, but not be an official Sitting — that's not democracy. We are all elected officials — every one of us in this Legislature. Part of our democratic process is to come here, have conversations about things — such as legislation like the CEMA — and have real,

open conversations to try to make things better for Yukoners. For the minister to say, “We really wanted your feedback, but we didn’t want to do it officially. We wanted you to have a meeting in the Legislature where we could talk about certain things” — that’s not democracy.

We could go back and forth about this for a long time talking about democracy and legislative oversight and who is right and who is wrong. I was trying to actually talk about CEMA, so I will try to get back on track here.

Many jurisdictions actually require a vote of the Legislature to declare a state of emergency, so I’m wondering how the minister feels about that, Mr. Chair.

Some Hon. Member: (Inaudible)

Mr. Hassard: So, the question was —

Some Hon. Member: (Inaudible)

Mr. Hassard: Do you want me to wait until you’re done over there?

Some Hon. Member: (Inaudible)

Mr. Hassard: If the minister is done with his conversation over there, hopefully we can get questions asked and maybe get some responses.

I said that many other jurisdictions require a vote in the Legislature to declare a state of emergency. I am wondering how the minister feels about that.

Hon. Mr. Streicker: A few points — the first one that the Leader of the Official Opposition talked about — early in the spring session, the Premier stood to talk about whether we were in a pandemic. Well, we weren’t. I remember when the deputy chief medical officer of health came to talk to us about cancelling the Arctic Winter Games. She said, “Look, we don’t think that COVID is going to come here to the Yukon or the north. We think that the risk of that is low, but in order to be safe around the athletes and their supporters, you would have to isolate a team — if someone got a cough, you were going to have to isolate that whole team and their chaperones.” The logistics of it were going to be very difficult.

So, at that point in time, we had already started to look at the act. We had already started to have conversations about the Health Emergency Operations Centre, but the advice from the chief medical officer of health was that we were not — the thoughts were that we would not get cases of COVID here — at that point in time. So, that is the point in time — when we are doing preparatory work and when we are just looking at the act to understand, if we were to be in a situation where there was a pandemic or a health emergency, what the tools are that we would use.

That is just diligence. I guess that it is just my assumption — I should be careful with that assumption, but I just assume that the members opposite would have gone through the same exercise around H1N1 and SARS — because you see this happening around the world and you say to yourself, “Okay, if that were to come here, how would we prepare?”

That is different from standing up in the Legislature and saying that we are in an emergency. We were not, at that point. When the members opposite were talking about it and when the Premier stood, we were not in an emergency, but you know what? The members opposite had the mark of it in the sense

that, in short order, we went from not having an emergency to having one. That is true.

In fact, I know of athletes and parents who wrote to me about the Arctic Winter Games, expressing that this was outrageous. They were very concerned that we were overresponding and being too protective. Within a week, everyone was saying, “Whoa, that was the right choice.” I don’t know that you always know that when you make those decisions. That’s why I think that they are very tough decisions. So, that’s the first difference.

With respect to cross-jurisdictional looks, Alberta requires that extending an emergency would come to their Legislature. British Columbia does not. Saskatchewan does not. Manitoba does not. New Brunswick does not. Nova Scotia does not. Prince Edward Island does not. Newfoundland and Labrador have sort of a mixed type of response. Ontario does require going to their Legislature to extend an emergency. Québec has another mixed response. The Northwest Territories, Nunavut, and the Yukon do not require going to the Legislature to extend the state of emergency.

I stood here earlier today and said that I personally think that it is worth that exploration — and I’m willing — to see which of those options would be best for the Yukon. I have not formed a judgment on it as of yet. I look forward to having that review. I look forward to that review happening once we have time to do a review. Actually, right now, I think what we need to do is focus on the pandemic itself. That is what I think is most important.

Mr. Chair, I asked a colleague to go and get the letters that we wrote to the members opposite. I note now that we said that we would try to — and I will quote now from our letter on May 14, 2020, to the leaders of the opposition: “Hansard employees and the camera operator/broadcaster are independent contractors and deserve appropriate notice about whether they will be needed to work on the scheduled days.”

We made this offer that we would want to try to give those people a heads-up to be here because we wanted to provide that service. We do want to make it full scrutiny for the public and have everyone quoted.

I’ll leave it there again, and I’m happy to answer further questions.

Mr. Hassard: Maybe the Minister of Community Services isn’t aware, but a letter was sent on June 1 from the Leader of the Third Party on behalf of both opposition parties — June 1 — that has still not been responded to in regard to having discussions about how and when we could come back to the Legislature.

Now, the minister spoke about the pandemic and the Premier standing in this Legislature and telling local media outlets that we, as opposition members, were fear-mongering. The minister has said that there was no pandemic at that time. That, in fact, is not the case, Mr. Chair, and I would like to correct the record for the minister. On March 11, the World Health Organization declared a world pandemic. On March 16, the Premier stood right here in this Legislature and said, “Let me be specific ... There is not a pandemic...” The minister

really should check his facts before he goes on record again saying something like that.

Anyway, as I said in my previous question, I was trying to get back to the debate at hand.

Mr. Chair, I'm wondering if the minister can walk us through the process of issuing ministerial orders under CEMA. Are they approved by Cabinet first? Are they reviewed by other departments? Do they go through the C2P2 process? Are they reviewed by DMRC? What exactly is the process, Mr. Chair?

Hon. Mr. Streicker: First of all, I just looked up from March 16, and I will quote for the record what the Premier said on that day — and I quote: “But what I will say is that we are very lucky to be where we are right now as the world tries to reduce the curve when it comes to this pandemic. Let me be specific as well: There is not a pandemic in Canada yet. There is a pandemic announced in the world, but not in Canada necessarily.”

Mr. Chair, the pandemic was a global pandemic, as the member opposite notes. It was on its way, as we can see now in hindsight. The question just is about when those comments are coming forth.

The member opposite said that they wrote to the Premier on June 1. I note that the Minister of Justice wrote to them on June 5 and on July 24, so there was this ongoing dialogue. In that dialogue, we were offering that we use this Legislative Assembly to allow for questions to be asked and answered on the record, but because it wasn't a session — well, the members opposite can say why they didn't want that, but we did offer it several times. I've listed five times that it was offered.

I still stay, and I do say, that one of the jobs here is to answer questions as they come from the opposition, and I will stand up on my record and say that I have always tried to respond to the questions that the members opposite ask, because I appreciate that they are representatives of ridings and have constituents who are concerned and they have real and legitimate questions that they want and need answered. I will continue to do that.

Just earlier today in this debate, the Leader of the Third Party stood up to say thanks because she had pointed out that briefings had stopped and I had turned around and tried to get those briefings reinstated — so, yes, trying to make sure that all MLAs in this Legislature have the ability to have their questions answered.

The Leader of the Official Opposition asked about how ministerial orders happen. First of all, if an issue gets identified, typically, it can happen through a few routes. It could have been through conversations with municipalities, conversations with First Nations, conversations through correspondence with opposition members, our own identification, or departments — wherever the issue was identified, there is some policy work that is done.

I talked earlier about the four committees that were set up originally to deal with the state of emergency order-in-council. So, again, the deputy ministers — sort of — executive committee would receive that policy work and make recommendations forward. We always put it through both the

Executive Council Office and Justice to have a look at it. From there, it went to Cabinet.

I know that the act gives me the authority to sign ministerial orders that I deem to be necessary, but I made the decision that, whenever possible — and at all times, it has been possible — I would take the direction from Cabinet, and then Cabinet would decide whether to direct me to sign that ministerial order. Once that ministerial order was signed, then we moved down through the public education and talking with other governments.

Mr. Hassard: Once again, just to clear the record for the minister, we wrote on more than one occasion — I am not sure of the number, so I am not going to use a number, but it definitely was more than a couple of times — asking the government to meet and to physically sit down and discuss what the government was proposing so that we could air and share our concerns on what the government was proposing.

Mr. Chair, every one of those letters was ignored — was not answered. Not once did we get any suggestions or any ideas of when the government would be willing to sit down with us to actually discuss coming back into this Legislature under any circumstances.

Anyway, moving on, I am curious if the minister could tell us if the ministerial orders are reviewed by the Department of Justice, or is there any other kind of legal analysis done on them, Mr. Chair?

Hon. Mr. Streicker: You know what I will do, Mr. Chair? I did try to say just a moment ago that there were letters going back and forth between the opposition and us. I will table them all. I will make a legislative return of it. I will table all of the correspondence that we received from the Official Opposition. I will table the letters that we wrote —

Some Hon. Member: (Inaudible)

Hon. Mr. Streicker: All oppositions, jointly — yes. I am happy to do that so that Yukoners can see that correspondence. That is a great suggestion.

As I just said when I stood last time, every time that a ministerial order was working up, we had it reviewed by the Department of Justice.

Mr. Hassard: We will certainly be happy to table our letters as well.

I am wondering if the minister ever considered the possibility of using targeted, time-limited legislation to address any of the issues that he has just addressed through these ministerial orders. This is something that has been used in other jurisdictions instead of leaning on this last democratic approach that excludes opposition parties. I am curious as to the minister's thoughts on that, Mr. Chair.

Hon. Mr. Streicker: I guess the answer is yes — in the sense that every one of the ministerial orders that we've brought in is time-limited. They're all time-limited because they're all dependent on the state of emergency. We're using the existing law as it exists.

Mr. Chair, maybe the member opposite could start with which ones of the ministerial orders he wants to change. I'm not sure if it's a point on principle — the principle being that we follow the existing law that I found myself with or that we,

as a government, found ourselves with. The members opposite say that they would prefer something different. I've said that we agree. Let's work together on what should be different.

I'm trying to say: Let's deal with the pandemic first, because I really want us to focus on the health and safety of Yukoners right now, and then we can get to these processes to improve them. I'm trying to put in front of them questions or debate around the issues that they've expressed concern about, but I'm only receiving this general notion that ministerial orders are not democratic enough, in their perspective. Why not just tell me, Yukoners, or you, Mr. Chair, which ones are the problem? Let's see if they have some suggestions. Let's see if we can work to improve them. Let's do it right now. I have no problem having that dialogue and conversation.

When it comes to the process, I've already acknowledged that it could sure use a facelift, and I would be happy to work with them on that front.

Mr. Hassard: Maybe I'll just leave it there, and I will suggest that the minister look at the private members' bill that was put forward by the Member for Lake Laberge. Maybe that would be the best way to discuss this moving forward, because it doesn't appear that this is maybe the most productive way to use the House's time.

With that, I probably will just cede the floor to other members who may have questions for the minister.

Ms. Van Bibber: Welcome to the department officials as we head on to more questions through Community Services. I would like to pick up on the issue that we discussed and left off on the last time we met regarding the government's COVID-19 response, which falls under the responsibility of the Minister of Community Services. I think that the last questions I had asked were around the checkpoints that were placed throughout Yukon. I apologize if there is a bit of repetition here, but I will just need to clarify a few things.

First, can the minister confirm who decided where the various checkpoints were to be placed during the pandemic and, in particular, the rationale for the placement of the checkpoint at the top of the south access just coming into Whitehorse?

Hon. Mr. Streicker: Thanks to the member opposite for the question. If I recall how that was developed, we were hearing concerns from citizens in Whitehorse that there were Alaska plates — or US plates, I suppose — that were in the downtown area. I shared those concerns with the Emergency Coordination Centre and asked them if there could be a way where we could provide some reminders for those folks in transit to stick to the route. I think that there was a dialogue between the Emergency Coordination Centre and the Department of Highways and Public Works — and I think also with the Department of Tourism and Culture because I believe that all of the staffing was done by Tourism and Culture. So, there was some initial identification of a challenge.

That led to some development. I think that there was some evolution of the signs. I also think there were some accounts of licence plates to address it that also led to our conversation with the Canada Border Services Agency, which led to the tightening up of the rules around all those in transit across Canada.

To answer the specific question: It was identifying the concern to the Emergency Coordination Centre and then, I think, it was a conversation with a few other groups that led to the decision.

Ms. Van Bibber: Can the minister confirm under what authority were the barricades placed on the public highways at Watson Lake and Junction 37? Was it under the CEMA act or is that an order that comes through the *Highways Act*?

Hon. Mr. Streicker: Under the *Civil Emergency Measures Act*, a couple of ministerial orders were passed. Those would both be used. As I have often stood in this Legislature and said, the authority for border control flows from the civil emergency declaration. One was the enforcement measures Ministerial Order 2020/13. They have a history over time, but that was one of the first ones that gave authority for enforcement. The other one would be the border control measures, which was Ministerial Order 2020/19, which set out the parameters of who was permitted to stay and travel through the Yukon.

Ms. Van Bibber: I would also ask the minister about the checkpoints set up by some of the First Nations. Could he tell us what interaction he had with the First Nation of Na-Cho Nyäk Dun with regard to the blockade they set up heading into Mayo? I think he did say that they did not provide any resources, but could he just verify that, please?

Hon. Mr. Streicker: As I've stated often, we had ongoing dialogue with communities, with municipalities, and with First Nations to talk about the situation with COVID and how we were responding as a government. They shared with us how they were wanting to respond.

The Na-Cho Nyäk Dun let us know that they wanted to put up what I will refer to as an "information stop" — an "information check". We did not supply them with resources to do that. We did stay in touch with them to talk with them about how to engage with the public — information to share. In other words, we were trying to let them know what information would be useful to be able to share with the folks they were asking to pull over. In that way, we identified it as an initiative that they wished to do and we tried to support them through information, but not through resources.

Ms. Van Bibber: I believe it is common knowledge that it is illegal to blockade a public highway. Was that blockade or information stop authorized under CEMA, or again, under the *Highways Act*?

Hon. Mr. Streicker: As I stated the last time when we were in debate on Community Services, this was not an information stop which was put there by us as a government. It's not anything under the *Civil Emergency Measures Act*. I'm not referring to it as a "blockade"; that's the member opposite's language. I believe that they were information stops only. I don't know that they were — I don't know of any contravention of any law that was in place. I think what they were doing was trying to inform the public about what was going on and to share their concerns with travellers. That's how I understood it to be, but I look forward to further questions.

Ms. Van Bibber: I did go through that stop, so I know what I had seen.

Let me move on to a further area. In his October 7 letter to the Prime Minister regarding the safe restart funding agreement, the Premier said — and I quote: “In Yukon, municipal funding will support operating budget pressures due to COVID-19, such as additional costs for PPE, as well as staffing and operating requirements, particularly for the management of community centres, public spaces and public transit. The Government of Yukon is working directly with municipalities to understand their distinct needs. Once this information is gathered, we intend to allocate funding to municipalities based on an evaluation of their needs.”

With regard to this safe restart funding program, how was the information gathered, or is the information still being gathered from the municipalities?

Hon. Mr. Streicker: Mr. Chair, I will give a quick answer here, and if I get more information, I will share it. We alerted municipalities to the safe restart funding, and we asked them to be talking with us. We started off with three-times-a-week meetings at the beginning of the pandemic. It is now more like weekly meetings. I have been in conversations with municipalities. I did a community tour — either virtually or in-person, depending on what the municipality was interested in — over the late summer, and there I noted for municipalities that we wanted them to watch and track. I had several conversations with municipalities. We asked our community advisors to be in dialogue with those municipalities. We are very close now to reaching back out to municipalities with a suggestion around that funding. So, we know that we are close now and will be — I will be reaching out, starting with the Association of Yukon Communities, and reaching through to municipalities shortly.

Ms. Van Bibber: We know that most municipalities are currently working on their budgets for the new fiscal year in 2020-21, so can the minister provide a breakdown of how much each municipality will be receiving under this Safe Restart Agreement?

Hon. Mr. Streicker: Respectfully, I will want to reach out to municipalities first, and I am very close to doing so, and then I would be happy to share the information with members here, but just — respectfully, that is how I would like to start. I do know, for example, that the City of Whitehorse, at its council meeting just last night, was talking about the costs that they have incurred to date, and it was in the range of \$550,000 to \$600,000. I can say to the Legislature that we are very close to reaching out to municipalities and I am happy to report back shortly to the Legislature.

Ms. Van Bibber: I appreciate that response. Working with municipalities was mentioned. Are First Nations included under this agreement? If so, will they be receiving a portion of the money? Is there also a cost share between government and Yukon under this particular agreement?

Hon. Mr. Streicker: These dollars are targeted for municipalities. That is how the fund came to us. We worked to support our First Nations in other ways. There is a cost share. It is a one-for-one cost share with the federal government and the territorial government.

Ms. Van Bibber: On to a few other budget items, the cost of your border control is listed at \$2.824 million. The list is long for all of the costs that it is covering, so I'm going to ask some specific questions on the bulk amount. I am hoping that the minister will break it down for me.

In that breakdown, can he tell us how much was for the call centre? What were the responsibilities of that call centre? Is that call centre still functioning?

Hon. Mr. Streicker: The dollars that are in here for the call centre are \$236,000 for the first three months. The call centre was working in conjunction with Highways and Public Works. After the first three months, we put the responsibility for the call centre over to Highways and Public Works.

I'll give a bit of a response on what the high level was around the purposes of the call centre. I think that we had initiated that contract with extensions allowable so that \$236,000 would be pretty pro-ratable to go longer.

The purpose of the call centre was, I suppose, three-fold. It was, first of all, to provide information for Yukoners. If you think of the yukon.ca site and all of the information that's there, we tried to give all that information to the call-centre operators so that they could relay that information to Yukoners when questions were posed.

The second thing was that we received feedback from people. If they were calling up with their thoughts or feedback, we would take that feedback and channel it to the appropriate department. If the call-centre operators didn't have the answer at their fingertips, we put that to a group that was tasked — I talked about the communications group that was identified. There was a whole group that was dedicated to responding to Yukoners with information if they didn't get it immediately from the call centre. The great thing about the call centre, of course, was that it was 24 hours a day, it could respond in a range of languages, and we could work very quickly to have someone talking with that Yukoner on the other end of the line.

The third thing that call centre was used for was if there was a concern around someone doing something incorrect. For example, if there was an Outside licence plate down at one of the box stores or someone they thought was supposed to be self-isolating or they identified that someone who should be self-isolating was out in the public, we would take those calls through the call centre. It wasn't the only route, of course, through which people could express their concerns to us, but that was one of the purposes of the call centre.

Ms. Van Bibber: There was also a feature in that COVID response that gave travellers who were transiting through the territory an automated text-message app. Can the minister tell us about this feature? How much did it cost, and was it found to work? Was it adequate?

Hon. Mr. Streicker: I think that the automated system was in and around \$20,000. I will have to check with the department to see what the precise cost was, but that is the estimate that I have at my fingertips.

Did it work? I think so. Here is what I want to say: The whole system worked overall. It is really difficult to be able to tease out various parts of it and understand exactly how they were performing, because we stood it up from nothing. Just for

a second — just to give some acknowledgement to all those folks who worked on the front lines or in the background to make that happen — it was a tremendous amount of work and, overall, I think that it was extremely well done.

The biggest measure that I have against it is to understand how many cases we had. So, relatively few — for example, in-transit contact. There are some cases out there where we are not sure where they came from, so there are possibilities, but overall, there were very, very few cases that we could identify as even having the possibility of having come from that in-transit traffic or through the border system. The texts were successful in that they got to people. We could see, over time — because once we tightened up things with the Canada Border Services Agency, we had a way to be able to download information from them and see the check-in and check-out, and we could understand how long it was taking people to move across. That gave us more confidence that the system was working. How did texts work within that? That is more difficult to know.

We also had a system where we had follow-up calls to people who were isolating or random follow-up calls to people in isolation — not everyone, but a random selection.

We recently made the decision to include automatic texts to those people in self-isolation as well, because we think that this system is working reasonably well. One of the things that we do with a text is to say to people, “You are so many days into your self-isolation. Just a reminder that you’re not to go get groceries.” Those sorts of things — just the points of contact to keep people on track. Then we say to them, “If you need help, here’s how to reach us.” So, that’s the system as it stands now. I think that overall it’s successful. I think that it’s a steal for the \$20,000 that we had to spend, given how much was happening and the uncertainty and risk associated around all of that. I think that it was a great investment.

Ms. Van Bibber: In the last couple of weeks, we had a brief discussion around the border control services that went from the private sector to the Liard First Nation. Could the minister provide us an update on the transition — perhaps give us an overall figure on the cost and the change to the cost? Have there been any issues since the Liard First Nation has taken over border control?

Hon. Mr. Streicker: I’ll see if I can’t get something on cost coming up because, as we said in this House, we were working to get additional measures down there. As we repealed the BC travel bubble and things were changing, we said, “Let’s put more resources down there.” We have sent staff down to do some after-hours work now. I believe that they’re still working to investigate, through a privacy assessment, whether or not we can do the video cameras, but we do have extra people there right now. I will work to try to get some numbers on what those costs are.

The report that I got this morning was that the transition is working well with the Liard First Nation. That interaction between us and them is going well and helping them through the transition. We are running random evenings, both at Junction 37 and Watson Lake. We are getting anywhere from 10 to 25 vehicles an evening. Of those 10 to 25 vehicles, only

a couple appear to be people who would require a declaration. For example, if you are coming from Jade City at Junction 37, you are inside the Yukon bubble, so you don’t require a declaration. Those checkpoints in the evening that are run are indicating to us that there is really very little traffic, but we will continue running them. We will work with the Liard First Nation and reach back out to them to get their thoughts, but generally speaking, as I had indicated in the House, there is not much traffic coming through in those hours.

Ms. Van Bibber: Now that we are no longer in a bubble with BC and it looks like we will probably have to leave those border measures in place for a while longer, has the minister budgeted more money — or anticipated, I am sure — that there is going to have to be more spent between now and the next budget figures? He just mentioned extra staff. All of these would be incorporated into that, so is this over and above the contract that he has with Liard?

Hon. Mr. Streicker: What’s in the supplementary right now is a total of about \$2.8 million around border control broadly. That will be roughly \$2.2 million which is for the physical borders themselves, and another \$600,000 or so which is for staff whom we pull across from other departments into the Emergency Coordination Centre to deal with some of these changing situations.

Those dollars, as we anticipated them to March 31, are still our best current projection, including some of these changes. We anticipated that things can move around a fair bit because it is a very fluid situation. What I can’t say today is whether or not I won’t be back at Supplementary No. 2. I’ll only be back if we need more funds, but if we need less, of course it might drop. It’s very difficult to be certain around these projections, but currently, when I talk with the department, what I can say for the members opposite is that the changes that we’ve seen in adding more resources down in Liard were at least anticipated in the sense that, when we put forward the \$2.2 million around that, it was understanding that there would be some variation and we still think we’re within that variation.

Chair: Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

The matter before the Committee is continuing general debate on Vote 51, Department of Community Services, in Bill No. 205, entitled *Second Appropriation Act 2020-21*.

Is there any further general debate?

Ms. Van Bibber: I would just like to take the opportunity to thank the departmental officials again for being here. I will turn it over to my colleague from the Third Party. If she finishes, maybe I will have some more questions for you.

Ms. White: I thank my colleague for Porter Creek North and others. I am excited to be here again. Welcome to the officials, who I didn’t ignore per se when I started earlier today, but I forgot to mention them. As always, the briefings are

incredibly helpful, because it is through briefings that sometimes we are able to ask really specific questions and get immediate answers too, so I appreciate that, and I appreciate that they are here.

On November 19 — I am just going to go back to a couple of questions that I asked then, thoughts that we were exchanging, and then go on from there — I had questions about rapid testing. Just before I go on — because this could be completely and entirely the wrong department — would rapid testing fall under the responsibility of Community Services or the minister, through CEMA?

Hon. Mr. Streicker: We generally give testing over to Health and Social Services, to the chief medical officer of health and the testing unit — the COVID response unit. There are some relationships with Community Services. For example, when we are talking about isolation requirements, we are always watching technologies on the forefront or protocols around testing to see if they could be replacements, but it is not directly the Emergency Coordination Centre's role, so not directly Community Services; however, indirectly, we work with them.

Ms. White: I thank the minister for that. I just saved us going down this path, but I will put out a note for the Department of Health and Social Services that I have questions about rapid testing and where that machine might be.

On November 19, I really appreciated the exchange that I was able to have with the minister. During Question Period, we talked about alternative self-isolation plans and how it was going to relate to a job site. Things have since changed, but I did appreciate that it is not often that the question that is asked in Question Period can actually be delved into. From my standpoint, Question Period is not the most effective way to communicate or get answers, so the minister was really actively involved in that back and forth on November 19 after Question Period.

The conversation that we were able to have here was really helpful for folks in the territory, including giving them an idea of where they could go if they had concerns or similar things. One of the things that the minister committed to on November 19 was — and I quote: “I will call the Yukon Contractors Association within the week to talk about this situation as an example, and in general, alternative self-isolation plans and how they may affect subcontractors and what the thoughts are of the Contractors Association.”

I just want to follow up with that and see where we are at — if the minister has been able to have that conversation or that meeting about alternative self-isolation plans on active Yukon work sites.

Hon. Mr. Streicker: Mr. Chair, we are setting up an in-person meeting now to talk about it a little bit more. I think some of the pressure came off once the contractor who had been running the job where some of these first concerns were raised made the decision to change their plans. So, we are taking a little bit of a more proactive approach around it. I do know, as well, that the Premier has been in conversation with the head of the Contractors Association.

As well, I can say that some of the other things that we talked about here in the Legislature on November 19 have been followed up on. For example, language that we put in around our decision letters to really ensure or direct that the contractor has a responsibility to share all that information with any subcontractor or their other workers or anyone who comes on the job site to make sure that health and safety are paramount — all of those things have happened. I did also follow up with the general contractor on the particular job and a couple of the subcontractors. We're trying to set up a meeting that would have a couple of generals involved, the trades, and maybe folks from CMOH to talk through how this can be done safely — maybe WCB as well.

Ms. White: I thank the minister for that. On November 19, one of the things that we talked about and that I said was really important is that we don't know the shortcomings of something until we find the mistake and we don't see the mistakes or those gaps until they are shown to us. Something happens and then we realize that there's a problem. I do appreciate that.

When we're talking about alternative self-isolation plans, I know that there is an active mine in the territory that has applied for alternative self-isolation plans. I have been contacted by individuals who work at that site and who live in the territory. They have concerns that they are in very close contact with people who are coming from outside jurisdictions. Initially, this company was doing a full 14-day self-isolation in town in a very contained environment before they went out to the mine site in a rural community. Then, at the end of October, that switched and now they're going out to their site directly. They're flying in, they're staying overnight, and then they're going out to camp the next day. There have been some real concerns highlighted by folks who are working on those sites.

On November 19 when we were here, I said that, if I were moving around, my colleague to my right and to my left would have to move in syncopation with me in order to keep us six feet apart, but that's not really how a job site works, including a mine site. If you're an operator and you're in a rock truck by yourself, that could be good for a good portion of the day, but if you go into a shared lunch room, cafeteria, you're using shared bathrooms, you start to cross.

In that situation, what kind of oversight comes from the department about those alternative self-isolation plans in a rural work setting?

Hon. Mr. Streicker: The first thing to understand is that there is a plan that has been submitted. That plan is comprehensive in nature. It would say, for example, that here's how there is going to be a separation for washrooms, for sleeping quarters, for work, with food sometimes. Let me give an example, because different plans are different. They might have a mess area which they've decided can only handle so many people because they've got to separate people out to keep everybody separated so that you don't have to do synchronized jostling as the member was discussing. So, then they work at odd shifts and then they've got this protocol about cleaning in between, et cetera. So, there's a plan.

The next thing to note is that, for a site like a mine — and especially as the BC bubble has changed — well, even before it had changed, we said, “Okay, these are trial runs, so we’re going to look at shift change and watch and monitor” and then be able to rescind that decision should we not see that things are running the way that they ought to. I note that the plan also has within it how, if there is someone who becomes ill — not even just with COVID, but ill in general — how they are dealt with or if they come down with COVID-like symptoms — how they’re dealt with, how they’re isolated, how they’re kept separate further.

On these particular ones, we have the chief medical officer of health’s office working closely with the health professionals on-site. They went to the site and they did a pre-survey; they are going to be doing other ones as we go. So, there is this ongoing scrutiny that will be part of it. We have all sorts of folks who have the responsibility to ensure that things are being followed up on from the *Civil Emergency Measures Act* perspective. We have CEMA officers — for example, our natural resource officers have CEMA authorities. We also passed this plan across to the Workers’ Compensation Health and Safety Board so that they can do occupational health and safety inspections to make sure that things are being done safely.

What I understand of the plan, to be clear, is that, if there is a Yukoner who is going up to work, they should be separate from those workers who are there isolating, because that isolation is supposed to be separate and distinct. That includes work, sleep, eating, whatever — all those aspects of life in the camp. So, that is how it should be. What I will say is that is the intention and we will work to make sure that is how it is delivered.

Ms. White: I appreciate those answers from the minister.

He said terms like “watch” and “monitor”. So, my reply is enforcement and oversight. You and I, Mr. Chair, can make an agreement and I can tell you how I am going to do something and you can say, “Okay, that looks good”, and I can go to a place where you are not following me because it is too far away. I want to know — not necessarily enforcement — sorry, that sounds more heavy-handed — let’s say oversight and monitoring. That is really what I want to know. How does the minister, who signed off on the alternative self-isolation plans — how — and I am not insinuating that the minister should be going to camps; that is not what I am saying. I am not insinuating; I am not suggesting that he goes — although, mining camps are really fascinating — I spent a lot of years in them, so it is not that they are not good places, but I want to know how he is assured that the agreements that are signed are working, and I will follow that up after. I want to know about the oversight and his ability to know that what has been agreed to is happening.

Hon. Mr. Streicker: There are a couple of ways in which that oversight happens; I’ll just generally describe that.

First of all, CMOH will be attending. When I’m saying the “chief medical officer of health”, I’m referring to someone

from their office — a health professional will be there and looking.

Second of all, we have made the point of connecting directly with Workers’ Compensation to inform them not only of the general notion of the plan, but the specific notion of the plan. We share the plan across with Workers’ Compensation so that they can inspect to ensure that safety is being adhered to.

I will also say that, from our perspective, we believe that the mines have a vested interest or the workplace has a vested interest in ensuring the safety of their workers. There is the very real possibility that, if they don’t do that, they could end up with COVID or some other illness and that’s going to be a problem for them. They know that; they don’t want COVID there, of course, so they will, I believe, work hard to make sure that they’re following a plan which is going to be safe for their workers generally.

I also think that if they don’t do that and, for example, Occupational Health and Safety goes in there and says, “Yeah, you’re not living up to this plan. Shut ‘er down” — that’s the mine down. There is a lot at stake for them to try to make sure that they live up to it. How do I see that? I have heard of instances of employers who have let workers go because they weren’t abiding by the rules. I think that demonstrates a seriousness around this.

Let me also say that, if there is a worker out there who has concerns — and I’ll get our 1-800 number again — 1-800 for the call centre to express that concern, or our online complaint system, or e-mailing covid19enforcement@gov.yk.ca, and we will work to follow up in a confidential fashion.

When people have gone through this before, one of the questions that they have said to me is, “Oh, I don’t want to use my name.” I say that is okay. They can register their concern and we will check to see if the person wants their name there or not. We want to work with the employees and we want to work with the employers to make sure that those sites are safe.

Ms. White: Mr. Chair, I appreciate that from the minister. I know that he has rattled off all that contact information a lot, but perhaps he could send it to me in an e-mail or, if he would like it to be in a more public fashion, maybe he could both e-mail me so I have it soon and then table it as a legislative return in case anyone is looking for it.

It is fascinating because he and I are having a conversation about compliance and oversight in a different way, but I have had this conversation before, having worked in mines, asking about the spill line — such as, how does that work? The reason why it’s important that someone feels comfortable and safe in their ability to report something is that they are also in a really vulnerable position as the employee — right? You don’t want to lose your job. You can have very valid concerns and possibly you can be the person who will stop the spread of something. When the minister said that no one wants to be responsible for COVID — absolutely — but more than that, when we are moving people in without that isolation period, we are moving potential COVID cases into rural communities. That is the concern in this case when I am talking about mine sites.

Just to go back a bit to when we were talking about the alternative self-isolation plans, for example, for building

projects in the City of Whitehorse and the conversation that the minister is going to have with the Contractors Association, will there ever be an opportunity for folks who will be affected by those proposed plans to appeal them? For example, would a subcontractor who was being told that folks were brought to the site have an opportunity to appeal that proposed alternative self-isolation plan?

Hon. Mr. Streicker: Just for the record today, I will certainly follow up with an e-mail and with a legislative return, but the call centre number for COVID is 1-877-374-0425. The e-mail is as I just listed a moment ago. The website is yukon.ca and COVID pops up on top.

Just before I move on to the appeal question, I will also share, when I do an e-mail and legislative return, where on the website to go to do an automatic application of a concern — fill out a concern form.

We currently don't have a formal appeal process. This is just one of those things where, as we are standing up these systems, they are still meant to be temporary as we are doing it, but let me acknowledge a couple of points around the notion of appeal. If I hear concerns about a decision that is taken, I will certainly pass those concerns across to the applicants and to those who would be there doing that oversight so that those concerns are known. I am not trying to attribute them to anyone, but I am trying to make sure that, if there is something that is going awry, people are alerted to it.

From our perspective, the primary job of the general contractor or the person in charge of the job site — whether that is a mine or a construction site or whatever it is — their job is to work through these issues with the subcontractors.

While it is not a formal appeal process through me, my thinking is that the general contractor has the responsibility to ensure that the job site is safe, and part of that is through the agreements with the subcontractors. Those agreements are laid out in how workplace safety will be conducted. So, in this instance, even though there wasn't a formal appeal process, to me, I think, that there was effectively an appeal by the subcontractors. Even though I don't think that it went as well as it should have in process, I feel that it yielded the same outcome ultimately.

One of the challenges is that an alternative self-isolation plan is about a two-week period; that's what it is about. So, we don't always have the time — just for a moment, let me give another example.

I've had times when people are coming to try to be with loved ones when they're near the end of their life. You're getting an application that is so time-sensitive. Some of these things you can see coming from further away and it's possible to give them more time, but it isn't always the case.

Just generally, we have not introduced an appeal process. It is my hope that we can continue to work sensitively with people if they have concerns and without having to add another layer to the process.

I look forward to further questions.

Ms. White: I don't think that process is a bad thing. I think that when we have safety and stop-gap measures in place — sometimes that's the reason I don't run out of gas in the

truck; it is because the light will come on and tell me that I should probably fill up sooner than later, whereas if I didn't have that stop-gap measure in place, I might miss how many kilometres I had done.

I hear what the minister is doing when he compares, for example, someone coming to visit a loved one at end of life, but to me, it's different from a job site. I'm not saying that there needs to be an appeal process available for all, but there are some concerns. I would have a concern, for example, if I were a subcontractor and I go into this new process — I appreciate that we're changing our process a bit. Now we're making sure that the general will let the subcontractors know that they're applying for this alternative self-isolation plan. I think that's important. So, already, we've strengthened our process. I think that's great.

But if I, as a subcontractor, was concerned about my employees — those whom I am responsible for — I don't think it's the most effective thing to actually have to contact the minister himself. The minister is a busy guy. It would be crazy if he weren't busy at this point in time. That might not make the most sense.

I also know that, if I were a subcontractor who had concerns about an alternative self-isolation plan for two weeks and the minister says, "Okay, I'll just let the general know that you have concerns" — that doesn't work for me. It doesn't work for me for a whole bunch of reasons. I would also point out that, within contracting, there are penalties.

For example, if I was a subcontractor who said, "I don't agree with your plan for when you bring people out of town and I propose an alternative work solution" — and the general contractor says no, and then I say, "Well, what about this one" — and the general contractor says no. Then I say, "Okay, we are not coming to the site for two weeks" — and then the general contractor says, "That will be a \$45,000 penalty because you are going to miss the next deadline" — there is a power imbalance. There is no answer right now. We are talking about things, and I didn't know that this problem existed before I got that first phone call. It's not that I was thinking that this doesn't make any sense. Now I am seeing that there are problems here.

I guess what I am asking is if there is a willingness for the minister to ask his officials to take a look to see if, in some cases — not all cases, but some — it makes sense that there is an appeal ability so that someone who will be directly affected by these plans has the ability to raise their concerns in a way where, for example, they don't get named to the applicant.

Hon. Mr. Streicker: First or all, is there a willingness? Yes, let me point to it directly. I am going to be sitting down with some generals and the Yukon Contractors Association, so if I hear from people that there is a consensus about which way to go, then, sure, I will work to try to get that in place. I am certainly open to that conversation.

I take the point that the member opposite is making. I am not going to get there here on the floor of the Legislative Assembly today, but do I hear a suggestion? Yes, I do. I am sure that the officials hear it as well. I will say that the power balance that is out there — when I was talking to the

subcontractors the other day, for example, I said to them, “Hold on now — this is a change. That change, as the general goes to introduce it, provides you an opportunity by which to negotiate against that change.” I am not trying to suggest that they negotiate health, but if there is a cost to keeping workers off-site for a bit to avoid that interaction — or whatever it is — then there is some ability there to negotiate a fair compensation against that and how to deal with the situation in order to make it safe, as it needs to be.

I will just say that, yes, there is a willingness. We have a couple of staff folks who are assigned with this work. They liaise with the chief medical officer of health’s office. They are usually the people who are reaching out to the applicants. That is more likely the place that subcontractors would contact. It is not me directly. I think the member opposite is correct with that, but at times, if there is no recourse, I get those calls just like others in this Legislature would be getting those calls.

It is an evolving process. We are open to that evolution over time. Again, I want to note that the bulk of these are individuals; they are not businesses. There are some, for sure, but they are more the exception than the rule. I will work, as I have said, and talk with the industry to try to find what a good balance would be.

Ms. White: I thank the minister for that. In my line of work, that is practically a win right there, so I am grateful for that and the conversations that will be happening with the Yukon Contractors Association. When I am talking about this right now, my concern is less about individuals and definitely more about an employer-employee relationship, and that is to do with active job sites, whether they be construction sites or active mine sites, and similar things.

I will just leave that there, and I do thank the minister for that.

There is one thing that I just wanted to mention on the record. My colleague, the Member for Porter Creek North, had talked about the Na-Cho Nyäk Dun checkstop on their traditional territory going into Mayo. I actually really want to congratulate them for the supreme effort that they put there. Having seen the checkstops both in Watson Lake and in Mayo, I would have really preferred it if the Watson Lake one looked more like the Mayo one, because it forced you to go through to have that conversation. There was no just driving past. It was incredibly polite; it was lovely. They asked for information. There was no forcing of information. There was a conversation.

I would like to point out that the First Nation had placards for locals far before Yukon government did. They were on the ball. It was quite the sight, so I just want to say that I really supported it because I feel like a First Nation government has the ability to keep their community safe in the best way that they think possible.

We aren’t in normal times, so I appreciate that, in unusual times, they took the actions that they thought were important. There maybe were some lessons for us there about how to divert traffic off a main highway to go through. I just wanted to put that there. There was no question. I just wanted to make sure that I said that I appreciated what happened there.

One of the things that happened with me today when I was not in the Chamber is that I had a conversation with someone — and we’re going to bring this back to probably one of my favourite/least favourite topics in this Assembly, and that’s the *Residential Landlord and Tenant Act*. Mr. Chair, you’ve heard it from me before. I understood the shortcomings when I knew the shortcomings, and I have learned the shortcomings in recent years. They have definitely changed.

There was an order that was made, I think, and extended in July, but it had to do around eviction protection. There are a couple different things. If the minister could walk me through what that eviction protection looked like and when it expired — and then I’ll ask my next questions.

Hon. Mr. Streicker: Let me just begin by also acknowledging that the Tr’ondëk Hwëch’in also beat us to our placards — or our decals, I think, that we had — but we did beat the feds. We got our decals out first, and then the feds came with their placards. I do want to say, again, that we’ve gone from zero to 60, and even though I think that there is always room for improvement, what I took away from it was a bunch of hard-working folks trying to keep Yukoners safe.

I will also agree with the member opposite that we support leadership at the local level. We think that it’s more responsive and more in tune with the community than a territorial government can be, much the same way that I think we’re more understanding of this territory than, I think, a federal government can be of this place — not because they don’t have wonderful people working. They do, but it’s just that, when you’re there on the ground, you’re going to get it better.

It’s also part, overall, of our collective effort to respond — that this is not just us as a government, that there are governments and a public out there, and everybody is doing their part as best they can. There are maybe a few people who are not, but we’ll do our best to try to bring them along.

The residential support was under Ministerial Order 2020/38. The order, just at a high level, Mr. Chair — if there were tenants who were financially affected by COVID-19 — maybe they couldn’t work or they lost work — it gave them time to pay for arrears. It also gave them — if a tenant was isolating and trying to stay in place, they couldn’t be evicted at that time. That was that ministerial order. I’ll stop there. That was the order. I know where we’re going, Mr. Chair.

Ms. White: I appreciate that the minister knows where we’re going because sometimes I’m unclear myself where I might take us.

The phone call that I had today — again, it was one of those calls that you get when you don’t know there’s a problem until you get told that there’s a problem.

Imagine being in the middle of a pandemic — so, we’re in the middle of a pandemic — a worldwide pandemic, I’m told, in unprecedented times. There’s other language, but those are the two that I can remember right now. You get a notification from your landlord that your rent in three months’ time — because that’s the notification requirement — is going to go up by 50 percent. So, a 50-percent increase in three months’ time. Mr. Chair, I don’t know how familiar you are with the legislation, but that is totally legal in Yukon. I could double it.

I could triple it. I could say that I'm going to multiply your rent by three. I could say that it is \$1,000 now and, in three months' time with notification, your rent is now \$3,000. It's legal.

You need three months' notification and it can't happen once in the 12-month span ahead of that, but we are in the middle of a pandemic. Other jurisdictions put in place — some through ministerial orders — stop-gap measures so that there could not be rent increases right now because people are vulnerable.

Mr. Chair, if your rent was to go up from \$1,000 to \$3,000, you might have to look for a new place to live. The challenge would be that you would be looking for a new place to live in the middle of a pandemic. Again, I didn't think about this. I didn't see this coming until it came. It arrived today in a phone call. Again, it's not that we can look forward to all situations because that would make us have to be like the Wizard of Oz. Even the Wizard of Oz had shortcomings in the end — right? He wasn't able to see everything. Does the minister have thoughts about tenant protection? I appreciate the “no evictions”; that was really important to me. That was committed to in the spring, but what about this? This situation is totally legal. In the conversation that I had today with the person, I was saying that we could appeal it to the residential landlord and tenancies board, but I need to tell you that we will lose. I don't want to give a person false hope, as what is happening is totally legal. It doesn't make it right, but it is legal. I want to know the minister's thoughts on that.

Hon. Mr. Streicker: I am going to try to take some time after we are out of Committee of the Whole today to look back across other jurisdictions to see where they are at. I just had a very quick scan to try to see this, and what I can say is that many provinces put in place eviction protection. I believe the member opposite — that there are some that are put in place, some rent controls at the same time, although they might have also been those jurisdictions that had rent controls to start with — so I will look to see what is the norm out there.

I note as well that we put in place some programs to support Yukoners with rental payments, but that still doesn't answer the question that the member opposite has. First of all, the reality lies with our current *Landlord and Tenant Act*, which I think came in 2012, somewhere there. One of the things I will say, underneath that act, is that there is a limit to the number of times that there can be a rent increase by a landlord to once per year. But the member opposite is correct that, with the appropriate notice — if I understand her question — that has been given in this case, that landlords do have the ability to increase rent significantly, should they choose.

To the broader point about whether or not we should do something about that during a pandemic, all I will say today is that I thank her for raising this concern to me, and I will look across jurisdictions. I will also hear from the two groups that I tend to turn to, to talk with about this issue. Number one would be the Yukon Anti-Poverty Coalition — thinking from the perspective of renters — and the other one would be the Yukon Residential Landlord Association, when I think about the landlords.

I don't have a response today. I hear her, that she is concerned about this, and I thank her for raising it to me.

Ms. White: I apologize to the minister. What I was saying was that the *Residential Landlord and Tenant Act* was passed in 2012 but didn't come into effect until January 1, 2016, which made people incredibly vulnerable all of that time. But the new legislation came into place and people are still vulnerable. I appreciate that the minister has confirmed what I said before, which is that it's totally legal to increase someone's rent — there is no cap to that increase — once every 12 months. But essentially — what this essentially is — this could be eviction via rent increase in this case.

The minister can look toward Manitoba. Manitoba had a stop on rent increases. They just removed it and people now are facing essentially eviction via rent increase. The reason why I wanted to put it out there right now is because the minister, who is in control of the *Civil Emergency Measures Act*, has the ability to put security measures in place for tenants. It could be temporary. It could be four months, starting December 15; it could be three months, starting December 15. My point is that I'm actually talking to the one person who has the ability to do something about it. He doesn't have to answer me now. He's very good at the computer — much better than me — so I appreciate that he tried to do a cross-jurisdictional scan in the time before he stood up.

I can tell you right now, Manitoba is one; they removed it and people are facing, essentially, evictions due to rent increases. That's an issue that I just wanted to highlight so the minister would be aware so I can plead the case for the one person who could put protection in place to consider it. It could be a holiday miracle; it would be fantastic.

The *Residential Landlord and Tenant Act* — I'm going to talk about my favourite — the minister has just mouthed the words, because who would not expect me to talk about mobile-homeowners right now? I'm pretty much a broken record on the issue and I'm proud of it actually.

Mobile homes, as we've talked about, are vulnerable because you can own an asset, but you rent the land the asset sits on. It's important that I use the term “rent”. There's a rental agreement in place. I'm going somewhere with this. I'm going to say “rent” a lot of times in the next little while. You own the asset. Maybe you've mortgaged the asset. If anyone is looking at purchasing a mobile home, I can tell you that it's a lot more complicated than it was a number of years ago.

The fascinating thing with a mobile home — because unlike a car that you have to register because it moves, a mobile home doesn't exist in the world once it's paid for. A mobile home is — what could I compare it to? A toaster. I could sell you a toaster.

You might ask me for a bill of sale. I could give you a bill of sale, and you could own the toaster. But if someone says, “Well, how did you pay for that toaster?” or “Do you own that toaster?” or “What is that toaster worth?” — it is a toaster. It doesn't exist in the world. It doesn't move. You don't have to register it with any kind of government branch. The toaster is an entity on its own. A mobile home is a lot more complex, obviously, than a toaster, but a mobile home, once someone

owns it, doesn't exist in the world anymore. At one point in time, they were registered. I have never been able to figure out what these stickers were that said that they were the City of Whitehorse with numbers on them. For the first number of years, I would take pictures of them and I would try to figure out what it meant.

A mobile home — you pay property tax on it and you do all these things. But under the *Residential Landlord and Tenant Act*, you are viewed as a renter. You can be evicted with 14 days' notice. Your rent can increase to any amount once every 12 months with three months' notification. Under the *Residential Landlord and Tenant Act*, a person in a mobile home is a renter. I guess that this is my assertion right now. I should have said that this is my opinion, based on the legislation.

Just before I get into the next questions, can the minister tell me if he agrees with that — that a mobile-homeowner is a renter under the *Residential Landlord and Tenant Act*?

Hon. Mr. Streicker: My answer for the member opposite is that, yes, they are renters, although they are specific types of renters. There are some slightly different rules for them, in my recollection. I have never thought of the toaster analogy, but I understand what the member opposite is saying.

The land is rented — or the pad is rented. The physical mobile home is owned. They exist as a renter, and they exist, as well, as a homeowner. It is its own sort of beast, and there are specific rules under the act that differentiate them slightly from other renters, but yes — the answer is yes.

Ms. White: I appreciate that. If the minister wants me to list all the reasons why they are different — for example, the eviction notice in winter — I can do that. That doesn't help us right now.

The only reason why I'm bringing this up is because — and this is not under the minister's department, but I'm hoping he will be a champion for people in mobile homes because, although I've asked that we change the legislation and I've asked that we strengthen it for the benefit of mobile-homeowners, we haven't. I'm hoping that he can be a champion in a different way, which is the Canada-Yukon housing benefit. The reason why I'm bringing that up is that the Canada-Yukon housing benefit is to help people with affordability issues in housing.

Mr. Chair, when I got elected in 2011, the average pad rent in the City of Whitehorse was \$350 a month. That was the average. Some were a little higher, some were a little less, but \$350 was the average. Now, in 2020, the average pad rent is over \$500. There are all sorts of workarounds. There are loopholes that are used by landlords. If you pay your rent within the first three calendar days, we will give you a \$100 reduction, because you couldn't give someone a \$100 penalty if they didn't pay it in the first three days because that's against the rules. But you can flip it around and say, "If you pay it in the first three days, I'll do a reduction."

If you talk to anyone, everyone has all these opinions about trailer parks. There is all sorts of slang that is pretty offensive when you look at it. The real truth of the matter is that there is a whole collection — different kinds of folks who live in trailer

parks. There are retired people because it's an easy way to own something that's a lot more manageable. The typical mobile home is on one floor, so you may have stairs going up to it but, once you're in, it's on one floor so it's very accessible. I can tell you that, in the last number of years, the number of ramps that have been put into the parks that I represent have grown significantly. Just to the point that I've just been around all the parks this last weekend, and there are a lot more ramps, which means that people with mobility issues are living there.

It used to be viewed as your first "kick your can" at home ownership because it was affordable. You see prices right now, upwards of \$200,000 for a mobile home in a mobile home park — not one that owns the land, so not in a condo corporation and certainly not up the hill in Ingram. It's not Ingram. It's the neighbourhood just past Ingram, but they own the land.

Some Hon. Member: (Inaudible)

Ms. White: Arkell.

So, you are renting. When the Canada-Yukon housing benefit was announced, I was contacted by a bunch of folks in mobile home parks, because what was once an affordable place to live — some of these folks have lived in these homes for 20 years, and 20 years ago, it was \$150 a month. It was affordable. It was an affordable alternative for housing. At \$500 a month, you still pay your utility costs. You still pay your electricity and you pay all these things still, but \$500 plus a month is no longer affordable, so folks are applying for the Canada-Yukon housing benefit. The first rejection letters have come through — and I know that it is being appealed. The way that they are working on that is through the *Residential Landlord and Tenant Act*. The Minister responsible for Yukon Housing told me that she would have a conversation with the minister responsible for mobile homes, who just happens to be the Minister of Community Services. I just want to know what kind of conversations are happening between those two departments about support for folks in mobile homes.

Hon. Mr. Streicker: Just really specifically on the question about the housing program. The criteria are set by CMHC — Canada Mortgage and Housing Corporation. When it came out, we tried to check in and we checked back, and we were told no, because the criteria weren't there. I think that we heard the Minister responsible for the Yukon Housing Corporation say this in the Legislature the other day. I think it was in Question Period.

So, we were working to see whether we could get mobile homes in under that. We thought that it was a great thought, and especially noting, as the member opposite does, that mobile-homeowners are renters of the pad.

But the criteria and the rules are not set by us, so we are not able to do that. I think that we have to work to find other supports and other solutions. That is basically my answer here today.

The member opposite talked about how, in 2011, the cost for rent was around \$350 or thereabouts, and in 2020, today, it is about \$500. I ran the math quickly just to see, and that is about a four-percent increase year over year, which is significant. However, if I compared it against housing prices, housing prices have probably outpaced that.

I saw an article just a week or two ago on CBC talking about housing sales across Canada. I was shocked to see what has been going on. What I saw was that the average price increase across all of Canada was about 15 percent this last year. That is huge. Of course, this is one of those challenges that we face as a territory. The costs of housing are significant here. I agree with the concerns that are being raised.

We have looked into this specific program. We weren't able to get a yes out of it, but we will work to try to get it as part of a review of that program as it comes up. We will work to try to find other possibilities. The only small silver lining that I can offer is that some people who live in mobile homes are double renters. They are renters of the mobile home, and then the owner is the renter of the pad. For those people, if they rent the mobile home — as in, they are tenants of someone else who owns the mobile home — they are eligible for the funding program.

Ms. White: I think that, although the minister called it a “silver lining”, I kind of call it a lead balloon. I don't know that this is as hopeful as all that. There are more than 800 mobile homes in the City of Whitehorse. They are owned by all sorts of different folks, including many people on fixed incomes, whether they are on pensions or on disability. Back in the day, you could buy a mobile home if you were on disability. You couldn't afford it now. I don't know if I would call it a silver lining; I call it more like a lead balloon, but I appreciate the hope and optimism. I like to infuse things with hope and optimism, but I don't know if that's it.

The one thing that I will put on the floor here is that, when the Yukon government signed on for that Canada housing benefit, they cancelled their own programs — programs that they could have engineered to support mobile homes. It's gone; it doesn't exist anymore. The rent supplement program that was under Yukon Housing doesn't exist any more.

If the minister is saying that the Yukon government's hands are tied because it's a federal program, I'll just point out that they cancelled the Yukon program — the specific one. That's a bit of a disappointment to me.

The minister and I have had lots of conversations over the years about the importance of recognizing mobile homes as a different form of housing and that they're not similar to someone who rents an apartment. They're not the same as someone who rents a house. You own the asset, you rent the land, and you can face eviction. You have to move an asset. In some cases, that asset is not moveable. You have to move that asset. There is no place for it to move. You're caught in this catch-22.

There is actually something happening right now where there is, like, predatory purchasing happening where someone faces an eviction. They try to sell the unit. Because of the *Residential Landlord and Tenant Act*, the park can actually say, “No, you don't meet our requirements.” They can turn down people who are trying to sell an asset, and then they get lowballed and offered less than they were trying to sell it for. Unfortunately, mobile-homeowners are in a real catch-22. Until the legislation recognizes them as separate from renters, then that's going to happen.

I'm going to move on because I talk about that a lot. I'm frustrated and I'm sure the minister's not having fun, so I'll go to my other favourite topic — which isn't going to be fun for either of us — which is minimum wage.

Essential workers program — I have to tell you, there was a certain amount of irony, for me, when I got that card in my mailbox that talked about essential workers. You could work in retail. You could work at a gas station. You could work at a laundromat — no, I think the card said “drycleaners” — and it listed all these things that are essential. I believe that they were essential before the pandemic, I believe that they're essential during a pandemic, and I believe that they're essential after a pandemic. I do. I feel like work is valuable. The work may look different for different people, but it's valuable.

The shocking thing, I think, about this program — my assumption is that it's under the Department of Economic Development because that's the minister who answers, but minimum wage is the responsibility of the Minister of Community Services.

What this program identifies is that, if you're on the front lines of a pandemic and you earn less than \$20 an hour, you should qualify for a \$4-per-hour top-up, which can be up to \$600 a month. Over 16 weeks, it's \$2,400, I think — the minister is much better at math than I am — which is a significant amount of money when the decision was made that the minimum wage would stay where it was and not go to the recommended one.

We can talk about the Employment Standards Board recommendation and the increase and tying it to inflation and things, but essentially, it amounted to not increasing it by 25 cents an hour for a low-wage earner. That's \$500 a year.

What I would like to talk to the minister about is the difference between a living wage and minimum wage. The federal government — when they recognized that essential workers — I honestly think initially it was set up for Ontario for people who are working in long-term care facilities because they weren't government employees — because they were patching work together, they were travelling between facilities, and that's how the virus was being transmitted in Ontario. So, the federal government came out with this essential worker top-up program, and then it got spread across the territories and the provinces.

When it got to Yukon, it meant that our lowest wage earners qualified, because people who work in long-term care facilities here are Yukon government employees. It meant that gas station attendants were essential and grocery store clerks were essential. Everyone else who doesn't earn government money, essentially, was essential. Has the government been looking at anything to do with an increase to minimum wage? We recognize now that people are essential and that they need more to live. We're willing to give them \$4 an hour extra. Unfortunately, it's only in six-week chunks, so what happens after the pandemic?

Has the minister and his colleagues been having any conversations about the minimum wage?

Hon. Mr. Streicker: First of all, I want to apologize. When I used the phrase “silver lining”, I was not trying to be

insensitive. I appreciate the issues that the member is raising. Generally, this is a good program that we have picked up, working with the federal government, but I take her point that it is not a good outcome for mobile-homeowners.

What I have heard from the Minister responsible for the Yukon Housing Corporation is that she and her department will work — and I have said as well, and I will say again, that I will try to work with them to find a way to support mobile homes. I don't know if it is this program. Again, we followed that path. We didn't get there, so let's see what we can find.

With respect to minimum wage, I do want to say that, when we first landed here in 2016, it was \$11.13. In 2017, it went up to \$11.32; in 2018, it went up to \$11.51; and last year, it went up to \$12.71. Every one of those was the recommendation that came from the Employment Standards Board.

What I will also note is that, in 2016, the living wage in the Yukon was \$19.12. Then in 2017, it went down and then started coming back up until today — or at least the last time that I saw it, as calculated by the Yukon Anti-Poverty Coalition, it was \$19.07. So, actually, our relative distance from the minimum wage to the living wage has been improving.

Some Hon. Member: (Inaudible)

Hon. Mr. Streicker: No, it was \$8 to begin with, and now it is a \$5.36 difference. Have I got that wrong?

Some Hon. Member: (Inaudible)

Hon. Mr. Streicker: Sorry, did I miss the last one? Sorry — in 2020, our minimum wage went up to \$13.71. We are currently at \$13.71. The current living wage is \$19.07, and the difference is \$5.36; okay. But when we first started here, Mr. Chair, the difference between the minimum wage and the living wage was \$8. That is a significant improvement.

I don't know any jurisdiction in Canada that is talking about the living wage as the minimum wage. At least how the folks from the Yukon Bureau of Statistics and the Employment Standards Board, when they reached out to me and gave me a report, which I think I tabled here — if you put the minimum wage at the living wage, basically what they are worried about is that you lose jobs. What happens at that point is that people reduce the number of jobs that they have. You need to be careful.

When I look at the Yukon Anti-poverty Coalition's work around the analysis that they do on the living wage each year, they usually provide suggestions at the back about where we should go. Addressing the minimum wage is not their number one suggestion, typically. I think that there are things that we need to do in order to support low-income Yukoners. I continue to work with the Employment Standards Board to hear their recommendations on where the minimum wage goes. Right now, we have the fifth highest minimum wage in Canada, but I hear the members opposite that they believe we should do more.

That more right now is happening during the pandemic. We just had the extension of that wage top-up, but it's not necessarily what the members opposite would propose. I appreciate that and that is fine, but I just want to say that, here in the Yukon, there are a couple of things that we have going for us. For example, the Employment Standards Board has said

to us that we should continue with the inflationary increase each year. I wait to hear from them again if they have new recommendations.

Anyway, I just want to say to all members today who posed questions that I really appreciated the dialogue. I can see the time, Mr. Chair, so I move that you report progress.

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

Motion agreed to

Hon. Mr. Streicker: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Mr. Streicker that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

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

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

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

The House adjourned at 5:28 p.m.

The following sessional paper was tabled December 1, 2020:

34-3-57

Twenty-second Report of the Standing Committee on Appointments to Major Government Boards and Committees (December 1, 2020) (Adel)