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HANSARD

Friday, December 4, 2020 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2020 Fall Sitting

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

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

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

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New Democratic Party

Kate White	Leader of the Third Party Third Party House Leader Takhini-Kopper King
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**Yukon Legislative Assembly
Whitehorse, Yukon
Friday, December 4, 2019 — 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. Mr. Streicker: Mr. Speaker, can we please welcome several people who are here today, with more listening online, for the tribute regarding École Polytechnique and the National Day of Remembrance and Action on Violence against Women.

We have: Émilie Dory, directrice de Les EssentiElles; Camille Lebeau, assistante de direction de Les EssentiElles; Ketsia Houde-McLennan, executive director for the women's transition home; and Kirsten Hogan, the vice-president and 30 by 30 champion for Engineers Yukon.

We also have the ministerial advisors for the Minister responsible for the Women's Directorate's and me, Edwine Veniat and Moira Lassen.

We also have Mr. Chris Dixon, who is the president of Engineers Yukon, and past running mate and past MP for the Yukon, Mr. Ryan Leef — if we could please welcome them all.

Applause

Speaker: Tributes.

TRIBUTES

In recognition of National Day of Remembrance and Action on Violence Against Women

Hon. Mr. Streicker: I rise today to commemorate December 6, Canada's National Day of Remembrance and Action on Violence Against Women, on behalf of the Liberal government.

I remember with great sadness that dreadful day, December 6, 1989. At the time, I was a grad student and a lecturer in engineering at the University of New Brunswick. We were in a class that I was teaching when we heard the news — the tragic news of École Polytechnique — the massacre at École Polytechnique. We were all shaken, all shocked. The women in the course were scared and angry. The men were ashamed and dismayed.

Since that day, I have sought to challenge gender-based violence in all men, including myself. I pledge to never commit, condone, or remain silent about violence against women and girls. That is the white ribbon pledge, Mr. Speaker, and I would like to thank all of the male MLAs of this Legislature from all sides of the House. All of us have taken that pledge.

The fact is, Mr. Speaker, that when it comes to acts of violence, nine times out of 10, men are the perpetrators. For all the women in our lives, the ones we know, the ones we used to know, the ones we don't know yet, and mostly for all the women who are victims of violence or who were lost, we must pledge to condemn gender-based violence. I hope that we will all live to see the day when all boys and men will make that commitment and put tangible action behind it.

From the little injustices that we all witness every day to serious acts of violence — every single action has an impact. Even our silences — especially our silences — have an impact.

Today I ask all Yukoners to be part of the change that we wish to see in the world. A simple action is to speak up when we witness unfairness. There should never be an excuse for enabling gender-based violence. We can help curb the tragedy of violence by calling out the patterns of violence.

Another simple action is to educate ourselves. There are so many great initiatives out there. One example is the Engineers Yukon 30 by 30 campaign. Engineers Yukon is working with Engineers Canada to increase the representation of women in engineering to 30 percent by the year 2030. So far, we're at 17 percent here in the Yukon.

A simple action, such as reminding our peers when we witness the small injustices, can go a long way. The sum of all our small steps will make for a greater future and will allow us to be proud of the world we live in.

To everyone, please do your part for that systemic change against the unacceptable violence to end right there and then.

Tous les ans, nous nous souvenons des 14 jeunes étudiantes de l'École Polytechnique de Montréal qui ont été assassinées juste parce qu'elles étaient des femmes.

Every year, we remember the 14 young women studying at École Polytechnique in Montréal who were murdered simply because of their gender.

Aujourd'hui nous honorons leur mémoire: Anne-Marie Lemay, Anne-Marie Edward, Annie St-Arneault, Annie Turcotte, Barbara Daigneault, Barbara Klucznik-Widajewicz, Geneviève Bergeron, Hélène Colgan, Maryse Laganière, Maryse Leclair, Maud Haviernick, Michèle Richard, Nathalie Croteau, et Sonia Pelletier.

Mr. Speaker, this year and every year on December 6, we remember these women who were killed in order to remember ourselves that gender-based violence should not be allowed in our lives, it is not acceptable in our communities, and it is not welcome in our world. I ask all Yukoners to take action to end it.

Applause

Mr. Istchenko: I rise on behalf of the Yukon Party Official Opposition to pay tribute to the National Day of Remembrance and Action on Violence Against Women in Canada, which takes place annually on December 6.

Established in 1996 by Parliament, this day marks the day that 14 women lost their lives in an attack at École Polytechnique in Montréal.

Twelve of these young women were training to be engineers, a profession that was once dominated by men. One

was a nursing student, another a faculty member, and 14 other men and women were injured. Today, we work so hard to promote women in trades. We acknowledge and respect the talents and skills of women and the incredible contributions that they bring to all education streams, all trades, and all careers.

No person should fear following their dreams because their sex or gender does not fit someone's ideals or a particular career, and no person should have to fear for their life.

December 6 allows Canadians the opportunity to not only remember these 14 women but to reflect on the issue of gender-based violence and how it affects people across our country. We consider actions that we take to eliminate violence against women and girls because there is still so much work to be done. There are still women and girls who face acts of violence, discrimination, and harassment in schools, in the workplace, and at home and still women and girls who are afraid to follow their dreams to pursue careers in male-dominated fields.

But that has been changing. Women and girls are becoming the norm in STEM programming and careers. They are welcome and respected, and I am proud to see this, Mr. Speaker; I am proud to see this change.

I would like to thank the many community organizations and their staff and volunteers who work with victims of violence every day. We need to continue to find solutions to violence in order to encourage healthy and happy families and communities. It requires continued collective action and the continued shift in attitudes from all members of society.

The White Ribbon campaign began in 1991 to promote gender equity and healthy relationships, representing a pledge by men to never commit, condone, or remain silent about the violence against women and girls. Each year, we wear the white ribbon on this day to signify our support to the end of gender-based violence. This morning, the men within our caucus took the white ribbon pledge, and as the minister spoke to earlier, all male members of this House did that to reaffirm their support for this movement. So, with our continued collective action, we move closer to the ultimate goal of ending violence against women and girls.

Applause

Ms. White: Mr. Speaker, I rise on behalf of the NDP caucus to honour Sunday, December 6 as the National Day of Remembrance and Action on Violence Against Women. We remember the lives of the 14 young women who, in 1989, lost their lives to an act of gender-based violence. We remember and share in the grief of the families who faced unimaginable loss and continue to feel that loss today.

As we remember the shock and sadness that we felt as a country that something so awful could happen here, we pause to consider that, in Canada, violence continues to be a daily reality for women and girls from coast to coast to coast.

We remember all of those who have died as a result of gender-based violence. We stand with all of those whose lives have been forever altered by acts of gender-based violence. We mourn the lost of our missing and murdered aboriginal sisters. We feel the loss of missing mothers, daughters, sisters, and

aunts. We take this time as an opportunity to reflect as a society on the ongoing disgrace of violence against women and girls.

We acknowledge that, despite our advances, women in this country still suffer physically, emotionally, and economically.

Thirty-one years later, we still struggle to understand why there is sometimes such strong resistance to the full integration of women in today's world. We ask ourselves why that frustration is so often displayed in acts of violence, disregard, and aggression toward women.

As a country, it is right that we mark this event, for we must not forget the tragedies of our past if we wish to not have them repeated in our future. We must stand united as a nation to say both with our words and our actions that we do not condone violence of any kind against women and girls.

We must never stop our fight against the parts of society that continue to teach women how not to be victims instead of teaching men not to victimize. Gender-based acts of violence will continue if we do not face this reality individually and as a society and say that enough is enough. We must continue our efforts to eliminate all forms of violence against women and girls until our streets, our campuses, and our homes are safe.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Mostyn: I have for tabling a legislative return responding to a question from the Member for Pelly-Nisutlin on November 23 during Committee of the Whole.

Hon. Ms. Frost: I have for tabling today three legislative returns. The first is in response to questions asked on November 23, 2019, from the Member for Pelly-Nisutlin regarding the purchase of semi-automatic rifles for conservation officers. The second is in response to questions that arose during Committee of the Whole on November 24, 2019, from the Member for Kluane regarding bison harvest data. The third legislative return is in response to questions that arose during Committee of the Whole on November 24, 2019, from the Member for Takhini-Kopper King regarding the Yukon water strategy five-year report.

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

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

THAT this House supports eliminating the restriction of travel to medical travel destinations in current medical travel regulations under the *Travel for Medical Treatment Act*.

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

THAT this House urges the Member for Copperbelt North, in his capacity as chair of the Standing Committee on Statutory Instruments, to:

(1) convene a meeting of this committee before December 22, 2019;

(2) review all ministerial orders introduced associated with the current state of emergency; and

(3) report back to the Yukon Legislative Assembly on the first day of the 2021 Spring Sitting.

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

MINISTERIAL STATEMENT

Fortymile caribou harvest management plan

Hon. Ms. Frost: Drin hozo. I rise today to speak to the Fortymile caribou harvest management plan. We have been working with Tr'ondëk Hwëch'in since 2013 to develop this important plan. Now, together, we are moving forward in a manner that honours the spirit of cooperation and the rights and responsibilities laid out in the *Tr'ondëk Hwëch'in Final Agreement*.

Management of the Fortymile herd has tested the strengths and flexibility of wildlife management for a number of years. It has taken significant efforts for the Yukon government, the Tr'ondëk Hwëch'in, the Dawson District Renewable Resources Council, and the Fish and Wildlife Management Board, in collaboration with Alaska, to see this herd come back to life.

For 25 years, recovery efforts were aimed at seeing this herd return to their habitat in the interior of Yukon. Now we have just announced the third licensed harvest. At its lowest point, the herd was at a population of only 6,500 animals. Its recent population was estimated at 84,000. This herd size allows for a sustainable, managed harvest that is in line with long-term conservation efforts, which is where the harvest management plan placed its crucial function.

The plan will guide licensed and subsistence harvest as well as overall herd management into the future. It has three main goals: promote a robust, sustainable population that will maximize the herd's use of habitats within historical Yukon ranges; provide a phased approach to implementing harvest, given the long history of no-harvest of this herd; and increase knowledge and use of the herd through education and engagement. These goals are informed by the years of technical and local input that support the herd's recovery.

Long-term recovery will continue as it goes hand in hand with effective management. This is not just gathering population estimates. It includes surveying how many adults and calves survive each year, the number of calves born, and paying attention to the herd's habitat. This monitoring will identify indicators to guide future harvest management decisions by all parties. When we talk about adaptive co-management, this is what we're talking about: working together to keep informed and respond in real time to what is actually

happening on the land. This is responsible, sustainable, and effective wildlife management.

Over the past year, these indicators are telling us that the herd has entered a state of natural decline that may be associated with a herd density that is too high for their existing summer range. While we hope that this would mean that the herd would expand to summer ranges in Yukon, this has not yet occurred. Declines in large migratory caribou herds are normal and natural; however, they require continued monitoring, together with our partners, to ensure that any harvest opportunities continue to reflect the joint objectives that we have for this herd. This takes hard work and efforts on the land that would not be possible without the local leadership of regional biologists and technicians, the Dawson District Renewable Resources Council, and Tr'ondëk Hwëch'in — both the government and its citizens.

I would like to acknowledge and thank all those here, and especially in the Dawson region, who have put in countless hours — and, in some cases, years — into the responsible and collaborative management of this herd. Unfortunately, conflicting schedules and weather haven't allowed us to sign off formally on this agreement.

I want to just extend a congratulations to Tr'ondëk Hwëch'in and its citizens.

Mr. Istchenko: I'm happy to respond to this ministerial statement, although the statement that we received this morning and the minister's comments today in the House are a little bit different.

We're happy to see this work to develop a new management plan for the Fortymile caribou herd signed and completed. In particular, we are happy to see the announcement of another licensed hunt of the herd.

This is important for many reasons. First of all, it is an indication of the health of the herd today and how far it has come over the years, but we are also pleased because it represents a new hunting opportunity for licensed hunters in the territory.

We have been pushing for increased or new opportunities for hunting in the Yukon, and we think that it is a step in the right direction. It is also a positive step that this hunt will allow for the collection of data and knowledge about the herd.

So, again, I do want to thank the Government of Yukon, the Tr'ondëk Hwëch'in, the Dawson District Renewable Resources Council, and the Yukon Fish and Wildlife Management Board for their 25 years of hard work with their partners in the State of Alaska — a job well done.

Ms. White: The story of the Fortymile caribou herd is a story of the resiliency of caribou and the personal and communal sacrifice of the people whose culture is intertwined with them. Over the course of the past year, we saw the Tr'ondëk Hwëch'in First Nation government raise concerns over Yukon government's initial opening to permit hunting of the Fortymile herd in advance of the completion of a joint management plan.

The Tr'ondëk Hwëch'in government publicly expressed concerns that the Yukon government was acting as if an agreement had already been reached. For more than 25 years, the Tr'ondëk Hwëch'in made a huge sacrifice by volunteering not to harvest the Fortymile caribou. As a result of the incursion of settler society — be it the gold rush or what came after — Tr'ondëk Hwëch'in citizens lost their traditional engagement and relationship with the Fortymile caribou. A whole generation of their community had not experienced that relationship and lost that traditional knowledge.

This summer, the community made the decision that the time was right for a community hunt. The subsistence hunt was a collaboration between elders, youth, and community hunters that intended to bring the community together to reconnect and strengthen their relationship with the Fortymile caribou herd.

So, we are pleased now to hear that the Yukon government has lived up to its obligation to the Tr'ondëk Hwëch'in and their final agreement in the creation of a caribou harvest management plan for the Fortymile caribou herd. It would have been helpful if the minister had shown respect for the Members of the Legislative Assembly by tabling the plan prior to its public release today at 12:15 p.m.

Similar concerns have been raised by other First Nation governments about the way that this government is making decisions that have the potential to negatively impact the ability for governments to reach agreements on important commitments set out in the Yukon treaties on key matters like land use planning. We hope that this government has learned that you can only have an agreement if all partners are onside as equals.

Mr. Speaker, getting to this agreement has been a difficult journey. We ask the minister to explain to this House what the key issues were that moved the Tr'ondëk Hwëch'in First Nation government from a very public disagreement with the government's actions regarding hunting of the Fortymile herd to the statement that she has made today. There is a benefit for all in this Assembly to learn from potential missteps by government as we all jointly navigate the road to reconciliation offered by living up to the spirit and intent of all Yukon First Nation final agreements.

Hon. Ms. Frost: I thank the members opposite for their comments. I want to acknowledge Tr'ondëk Hwëch'in, the Dawson District Renewable Resources Council, and of course the citizens of Dawson City and all those who participated in this monumental announcement today.

It has taken a lot of years to get here. I want to say that the signatures were — we just signed off on the agreement. In fact, we took the time that was needed with Tr'ondëk Hwëch'in. It would not have been appropriate for us to do a tabling without that happening. The work certainly was well-respected. It is just another example of how things are done — it's done in collaboration. We know working collaboratively with our First Nations is not something that the Yukon Party did very effectively, Mr. Speaker. My colleague, the Minister of Highways and Public Works, just recently touched on some work that we are doing on this side of the House with our

collaboration and discussions with the resource projects, for example.

We are looking at moving forward on further implementation and monitoring on this project. It is one that is certainly close to the hearts of the citizens of Tr'ondëk Hwëch'in. We've collaborated; we've worked with them; we've designed an implementation approach with them. On numerous occasions, we've met with them and we took the time that they required to get this right — unlike the Yukon Party government that was simply unwilling to work with First Nation governments.

We saw how we worked on land planning and land initiatives. We've moved many files forward. That means that, in fact, that we are continuing to do just that, and that's to implement the Fortymile plan, like we did Ddhaw Ghro. I want to say that we have not seen a very good track record from the Official Opposition in the relationship with Yukon First Nations when it comes to collaboration. In fact, the recently elected party leader, Currie Dixon, architected the Peel plan and implemented the plan. That's not a relationship around effective co-management and co-relationship as defined under the self-government agreements.

I can say very succinctly today that we have cooperation and we have cooperated. We have implemented a plan. It's a time to celebrate with the First Nations. It's a time for us to honour the legacy of Tr'ondëk Hwëch'in. It's time to honour the legacy of systemic barriers that have been put up in front of the First Nations as we looked at resource development and initiatives in that traditional territory. This was an effort with their input — truly a moment that we need to celebrate.

It takes hard work and effort on the land. This would not have been possible without leadership, without the regional biologists and technicians, the Dawson District Regional Resources Council, and the citizens of Tr'ondëk Hwëch'in. I would like to again acknowledge those who put 25 years into the planning to make this a reality. It is a reality that we will celebrate, honour, and hold up with pride.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: COVID-19 pandemic business relief funding

Mr. Hassard: The relief program that the Liberals have announced for bars and restaurants does not make any sense for this industry. The Liberals arbitrarily set the eligibility threshold to be that a business must demonstrate that 60 percent of their revenue comes from tourism visitation.

Can the Minister of Tourism and Culture explain how a bar or restaurant is supposed to demonstrate that 60 percent of their business came from tourism last year?

Hon. Ms. McLean: I am happy to rise today to speak about the programs that we released this last week in response to the needs of our tourism sector. The questions that are being asked today are regarding the threshold. Again, I have said at least three or four times since the release of this, in responding to questions in the House, that we worked with our partners.

We worked with the Tourism Industry Association of Yukon to set the criteria and the eligibility requirements. These are in line with other programs that are being administered directly by that association, such as the Elevate program.

The previous threshold was 80 percent. We have reduced it to 60 percent, which actually captures more fully the bars and restaurants. In terms of how you measure it — the Yukon business survey is one way. This will look back at the revenues for these businesses for 2019. It would be very doubtful if any business would not be able to demonstrate that they had this type of revenue.

Mr. Hassard: So, that is three or four times that we haven't gotten a clear answer from this minister.

The question was: How does a bar or a restaurant prove that 60 percent of their business came from tourists? We are just asking about the policy that the minister claimed is supposed to help bars and restaurants, and we would hope that she could explain her policy.

According to yukon.ca, the eligibility criteria states that a bar or restaurant must — and I quote: "... demonstrate that they attributed at least 60 percent of their 2019 revenue to tourism visitation." So, can the minister explain how a bar or restaurant is supposed to actually prove that?

Hon. Ms. McLean: Again, we worked with our partners to determine this level of threshold. These are tourism programs. These are supplementary programs, again, to the Yukon business relief program that is still in place for all businesses in Yukon. That makes them eligible for a very high percentage of their fixed costs. This has been in place since March — that remains in place. These supplementary programs are for businesses that are tourism-related and that have maxed out their eligibility on all of the other programs. By reducing the threshold from 80 percent to 60 percent, it actually will better capture bars and restaurants.

Now, I would encourage folks to get a hold of the Department of Tourism and Culture if they are needing any kind of assistance to figure out that eligibility threshold. We are willing to work with all businesses that will fit within this program. Again, this is a supplementary program; it is meant for tourism relief. This is something that we have been talking about for a very long time. I look forward to further questions.

Mr. Hassard: It is clear that this policy does not make sense for bars and restaurants. It is also clear that the minister doesn't understand the policy if she can't explain why they chose 60 percent and if she can't even explain how a bar or a restaurant is supposed to even prove that 60 percent of their business came from tourists.

Bars and restaurants are suffering for a whole lot of reasons other than a lack of tourism. They have done their part to protect the community by adhering to public health guidelines, but this came at a cost. Now it is time for the government to do its part, Mr. Speaker.

Will the minister just get rid of the 60-percent threshold so that this program can actually help all bars and restaurants that are suffering today?

Hon. Ms. McLean: I am quite sure that the member opposite is not hearing me. This is a tourism supplementary

program. We have the Yukon business relief program. We have had it in place since March. The majority of the recipients of that program right now are related to the tourism, visitation, and travel industry.

There are definitely ways that businesses can make their case in terms of their eligibility around the 60-percent threshold. We work with the Yukon business survey, and that is where we get our statistics. There are other measures that we can assist businesses with. Again, this is for businesses that have maxed out the current relief programs.

If there are businesses — and I'm speaking to Yukoners right now — that are having any issues with accessing these programs or think that they may be eligible, please contact the Department of Tourism and Culture, and yukon.ca has all of the numbers to get in touch with both Tourism and Culture and Economic Development. We will work with every single business individually to make sure that they have the right supports.

Question re: COVID-19 pandemic public health measures for hospitality industry

Mr. Kent: Earlier this week, restaurants and bars received an e-mail from the Yukon government informing them that, starting Monday, December 7, they will be required to keep a sign-in sheet to record anyone who enters their establishment, including how long they stayed there. This is a new requirement placed on restaurants and bars in the Yukon.

Can the minister please explain how they are going to enforce this new policy requirement on our hospitality sector?

Hon. Ms. Frost: As we continue to adapt and respond to COVID-19, we are identifying new ways to keep our community safe. Businesses, including bars and restaurants, were required to submit operational plans prior to reopening to ensure the health and safety of staff and customers. These plans were approved by the Health Emergency Operations Centre and followed the guidelines of the chief medical officer of health.

Bars and restaurants were notified this week that, beginning December 7, customers will be required to sign in upon entry. Owners will be required to keep a log of this contact information for 30 days. A call is being set up for bars and restaurants on Monday so that they can speak with the environmental health officers about this requirement. We recognize the importance of keeping our partners informed of the new requirements and developments and providing bars and restaurants opportunities. We have given advance notice that will allow the owners time to make the adjustments and have opportunities to respond to any questions that they might have with departmental officials.

With this introduction of this new requirement, we are creating an additional tool that will help owners, staff, and customers to access food and drink service premises while staying safe and providing safe measures.

Mr. Kent: I'm not sure if I heard an answer to that question, which was: How is the government going to enforce this new policy requirement on our hospitality sector?

This new measure is another tool for our contact tracers to use in their work, and we understand how important that work

is. But we do worry about further burdening our restaurant and bar industry that is already struggling.

Can the minister tell us if there will be any further supports or assistance provided to these businesses to help them implement this new public health measure?

Hon. Mr. Streicker: We have been reaching out to those bars and restaurants to work with them through this. It's not so much about enforcement as it is about working with them. It is a new guideline that the chief medical officer of health brought forward, and it's about trying to keep folks safe.

Most of the bars and restaurants have a system where, as people come in, they have the ability to clean their hands, to be greeted, and to be seated. There is already typically a way where there can be a sign-in book, just like we have right now at our community centres and at dentist offices and other places. It's a pretty straightforward thing. We will work with bars and restaurants to make sure that they are able to get it up and running.

It's for the safety of those bars and restaurants, for the safety of our customers, and for the safety of the Yukon, and I think it's a small step. It's just there to try to make sure that, if there is a problem, we can reach Yukoners right away to alert them. It's about keeping Yukoners safe.

Mr. Kent: As I mentioned, we understand that this is another tool for our contact tracers to use in their work to keep Yukoners safe. We understand how important that work is, but it does come with a cost. It does come with a cost for those small businesses — those bars and restaurants.

Several other jurisdictions have implemented similar measures to assist with contact tracing; however, in many places, governments have offered support by providing programs or apps that use quick response — or QR — codes to reduce the amount of work on restaurants and bars. This means that instead of forcing every business to manually keep a sign-in and sign-out sheet, someone could just quickly scan a code.

Has the Yukon government considered using a QR code system or having one developed to reduce the burden on these small businesses that are having yet another requirement put on their plate?

Hon. Mr. Streicker: I will have to check back on the specifics of the question. I thank the member opposite for that suggestion. I will say that we have worked to introduce technologies wherever possible — such as automatic texts, a call centre — all of this is to help build confidence with Yukoners in our businesses so that they know that they will be safe — or safer — when they go. So, I am happy to check on that.

What I can say is that all those people who have been doing this work — whether it is communicating to the businesses, getting the programs in place, or environmental health officers — everybody is working hard to work with those businesses to help them to make sure that it will be as safe as possible for Yukoners. I appreciate the suggestion and we will find out what work is being done. Whenever we can do something that is simple, we will work to try to get that in place, because we all want it to be simpler so that it's safer as well.

Question re: Yukon First Nation education

Ms. White: The Yukon First Nation Education Directorate was announced by the Council of Yukon First Nations in August of this year. The mission of the Yukon First Nation Education Directorate is to exert unified control over First Nation education. The education directorate will work toward the creation of a Yukon First Nation school board, providing a First Nation with more authority over the education of its citizens, and envisions a Yukon First Nation school here in Whitehorse. This was endorsed by the Minister of Education, who committed her department to working with First Nations to create an independent school board.

Can the minister tell us what steps this government has taken toward the creation of a Yukon First Nation school board?

Hon. Ms. McPhee: I am extremely proud of the work that is being done between the Department of Education, the Yukon First Nation Education Directorate, the Yukon First Nation governments across the territory, and their education directors. There has been much work with respect to the concept of a First Nation school board. A framework is being built and I expect to be able to speak more about that in the very near future.

I should note that it is the result of the collaboration and the coming together of the partners in education in relation to responding to the needs of First Nation students and First Nation governments and education directorates across the territory. The work is going very well and I expect very soon to be able to speak more about it. I certainly don't want to infringe on any of the work that is being done at that table, so I won't say much more, other than to say that the work has been very positive and we're excited to be able to move forward with what we hope is a First Nation school board in the very near future.

Ms. White: We look forward to that update.

In 2019, the Auditor General found that the Yukon Department of Education did not know whether its programs met the needs of Yukon First Nation students. This finding was a repeat from a previous Auditor General's education report 10 years earlier. When a public hearing for the education audit was announced, the Yukon First Nations Chiefs Committee on Education requested that they be given an opportunity to participate in the public hearing of the Auditor General's report on education, recognizing the report's focus on First Nation students. This request was denied.

What is this government doing to collect the concerns of First Nation students, parents, families, and governments in the delivery of education to their citizens?

Hon. Ms. McPhee: Thank you, Mr. Speaker. Sorry, I'm looking for a note and I'm reading a note from one of my colleagues that says that I should not be standing, but here I am.

The Auditor General's report — just to be clear — in 2019 did not build on the Auditor General's report from 2009. It specifically says that it did not do so. Nonetheless, it did have extremely important information in it regarding how the Department of Education should learn and respond to the needs of special educated students, inclusive education for students and in particular those with respect to First Nation students. As

a result, the work began almost immediately. Actually, it had begun before the Auditor General's report came out.

There are a number of ways in which we're responding to the Auditor General's report, not the least of which is the review of inclusive and special education which was announced prior to that report coming out from the Auditor General. It is a critical part of the work of the Department of Education going forward.

We are mindful of the fact that students' needs have not been responded to in the way that we want them to be. Going forward, the review will work with families, students, educators, and others to determine who will do that work best.

Ms. White: I would note that the Auditor General's report said that we risked repeating mistakes of the past and leaving an entire generation of students behind.

The Department of Education's 2019 annual report shows that First Nation students experience significant difficulties in the early years. The report notes that First Nation students had lower graduation rates in comparison to 2018. When considering the closure of schools in March and the mix of in-school and virtual learning, we can expect this year's rate to be even lower.

What is this minister doing today to ensure improved graduation rates for First Nation students, especially during these pandemic times?

Hon. Ms. McPhee: That is certainly an answer that will take longer than a minute and 30 seconds to review. The Department of Education and this government take extremely seriously the lack of attention that has been given to the success of First Nation students in many ways over the years — a review of inclusive and special education, working with our partners; the support and cooperation with the Yukon First Nation Education Directorate; the work that we have been doing for the last four years with the Chiefs Committee on Education; and individual funding provided to individual First Nations and their education directorates for the purposes of achieving their priorities in their home communities — I could go on and on. There are many more.

I should note that the Department of Education accepted all of the recommendations in the Auditor General's report. We have been working extensively on how to provide real responses to the recommendations. They are real, meaningful responses that will achieve and support our students across the territory.

Question re: Whitehorse Correctional Centre rehabilitation and reintegration of inmates

Ms. Hanson: The 2015 *Auditor General's Report on Corrections* said that Yukon's correctional system does not adequately prepare offenders for successful reintegration into the community. No doubt this is tied to another finding in the report that the Whitehorse Correctional Centre does not meet its obligation to incorporate the cultural heritage needs of Yukon First Nations into its program and services.

Last April, the Salvation Army's Adult Resource Centre closed its doors. The minister announced that the transition program formerly offered at the ARC would be moved to a unit

at the Whitehorse Correctional Centre. At the time, we were told that residential program participants at the Whitehorse Correctional Centre would take part in community-based activities to facilitate rehabilitation and/or reintegration into the community.

What evidence can the minister provide to this House that the residential program operating within the Whitehorse Correctional Centre is facilitating rehabilitation and reintegration?

Hon. Ms. McPhee: Mr. Speaker, I am very pleased to address this question on the floor of the House today.

The John Howard Society began operating a 24/7 supervised community housing program for justice-involved men on May 1, 2019. The Department of Justice chose to co-locate the supervised community housing program in a separate and distinct area of the Whitehorse Correctional Centre. This decision was made to maintain the program capacity, to appropriately use an underutilized safe and stable bed space, and to allow for program integration predicated on the individualized continuum of care model.

That model has been implemented by the John Howard Society. They are experts in this field of reintegration and assisting justice-involved men. I am extremely pleased that the John Howard Society chose to come and work on this project and set up a presence here in the territory. We will all benefit from their expertise in this area. The program has decidedly and reportedly been very successful. The men who have been in the program and the supervisors with respect to the John Howard Society are doing an extremely good job there. The programs are continuing, and I look forward to further questions.

Ms. Hanson: Mr. Speaker, let me remind this House that it was with little public or targeted stakeholder discussion that this government contracted the Vancouver-based John Howard Society to deliver a residential program within the walls of the Whitehorse Correctional Centre. When questioned, Department of Justice officials admitted that nowhere else in Canada is a jail used to transition inmates from the correctional institution to the community.

The department boasted that this was an innovative pilot project. To date, the minister has not indicated the criteria to be used to evaluate whether or not this pilot project is a success. Any pilot project with the potential to negatively impact an individual's successful community reintegration demands an active, timely, and independent assessment of its delivery by the government department funding it.

Can the minister tell us who is responsible for assessing the John Howard residential program?

Hon. Ms. McPhee: Unfortunately, the question makes it sound like there is no community involvement in this process, and there certainly is community involvement with respect to the Council of Yukon First Nations and with respect to our other justice partners throughout this process.

The short time frames associated with finding an alternative and continuing this process and these programs without

a break in service was critical.

It should also be clear that, while the John Howard Society is having this work done in a portion of what was the Whitehorse Correctional Centre, it is certainly a separate entrance. It is certainly available for justice-involved men to come and go as they please. The programming is intense. It is working within the community, and it is being supervised and reviewed by not only Corrections officials but the Department of Justice to make sure that we are providing services to these individuals so that there is no break in service.

It is an incredibly important program. It does not exist everywhere in Canada, and it is heralded by many departments of justice because this is an innovative way for justice-involved men to be reintegrated into the community.

Ms. Hanson: The government is funding this unusual approach to community reintegration that is housing people in the Whitehorse Correctional Centre. From the outset, this project has had no objective criteria to determine if it is working or not. Without a framework to evaluate the John Howard program, there can be no certainty that it is actually achieving the goals of successful rehabilitation and community reintegration.

The government says that they base their decisions on evidence. As the minister prepares next year's budget, we have yet to see any descriptions of the objective independent evidence that will be used to determine whether the John Howard program is the most cost-effective, culturally appropriate approach to achieving successful community integration.

What objective, evidence-based criteria will the minister use to determine whether inmates who are supposed to be transitioning to life outside of the Whitehorse Correctional Centre have received the support necessary to succeed while housed in that same Correctional Centre?

Hon. Ms. McPhee: Unfortunately, the Member for Whitehorse Centre is clearly misunderstanding some of the goals and is offended by the location of this program. I can assure her that the experts in reintegrating individuals into the community are not offended by that location. The John Howard Society came to the Yukon. I think it has been called "Vancouver-based", but certainly, they have individuals here now and are making a presence in the territory to assist our justice-involved men here in the territory — and hopefully, very soon, justice-involved women as well.

I can indicate that the budget presented to the John Howard Society is slightly less than the budget that was provided to the Salvation Army when they were running what was known as the ARC and that the costs of retrofitting that location were under \$30,000. The Department of Justice supports the 24/7 non-custodial supervised community housing that enables justice-involved individuals to gradually reintegrate or remain supervised in the community. Supervised community housing is a critical component of the criminal justice system and contributes to a safer and healthier Yukon.

Question re: School busing

Ms. Van Bibber: Student transportation continues to be a challenge for many Whitehorse-area families during the

pandemic. The minister has told us that approximately 250 students who had spots on the bus last year no longer have those spots available to them.

On November 10, the Minister of Education told this House — and I quote: "With respect to busing, the three new school buses have arrived in the territory and they are going through the required safety testing now. Bus drivers have been hired and we anticipate the buses being able to be used within the next two weeks once the safety work has been completed. They will be put into service in the best interests of the students."

Can the government confirm for us that those additional units are in operation?

Hon. Ms. McPhee: I'm always happy when the opposition quotes what I have said previously, because it was the case then and it is the case now. It is the work of the Department of Education with respect to busing to now try to provide additional buses for students who are not eligible under the criteria of either the act or the regulations to ride a school bus, but nonetheless, the history here in the territory has been to do our very best to provide extra services where we can.

The health and safety of students and staff is our first priority. The buses are here. The experts in determining how those buses should be used, both at the Department of Education and with Standard Bus, are doing their work. I expect news on this any day on how those additional students can be best accommodated. It is a complex situation — a complex matter. I can assure the members opposite that I have been asking as to when that work will be completed, as have the senior officials at the department, and we will provide Yukoners with that information as soon as possible.

Ms. Van Bibber: There are a number of split families that have concerns with student transportation this year. Their children are spending time in two different residences and require pickup and drop-off at different spots throughout the week. In many cases, this situation has not been accommodated by the government.

Why is the Liberal government unwilling to recognize the situation that these families find themselves in and accommodate their unique needs for student transportation?

Hon. Ms. McPhee: I am sure that members opposite and Yukoners have heard me say, prior to today, that we work with every family individually. You can imagine that over 2,000 students require quite a detailed combination of the busing department and the officials who do that work, working with parents — sometimes from split families, sometimes not, sometimes from families who wish to have a child picked up and taken to school but then later taken to an after-school program or to a daycare. That is a complex series of conversations and a complex series of information in a complex web of making determinations about how students get from point A to point B and back maybe to C and D. As a result, every family is worked with individually, and the adjustments are made, the plans are made, and the school bus schedules are made as a result of accommodating Yukon students as best we can.

Ms. Van Bibber: Some families we heard from have said that their children's school bus service was cancelled a week before the start of school in August. This left them in a tough spot of rearranging work schedules or finding alternative transportation for their children to get to school.

Does the Liberal government believe that providing seven days' notice to a family that they no longer have school bus service is sufficient?

Hon. Ms. McPhee: I think everyone knows that we are in the middle of a world pandemic. I don't say that lightly; I don't say it tritely; I don't say it — but to remind the members of this Legislative Assembly that Yukoners know that; they know that very well. They know how hard their government and government departments are working to respond to things that change day by day. We have had, for many months now, all eligible students assigned to a school bus. What we are working on now is individuals who are not eligible under the *Education Act* or under the education regulations for school bus service, but nonetheless, we are working diligently to provide that service to them and we will do so as soon as we are able.

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

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Motion No. 359

Clerk: Motion No. 359, standing in the name of the Hon. Mr. Streicker.

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

THAT it is the opinion of this House that the current state of emergency, established under the *Civil Emergency Measure Act* and expiring on December 8, 2019, should be extended.

Hon. Mr. Streicker: Mr. Speaker, I appreciate being back in the Legislature today to debate the state of emergency. I will say from the outset that what I'm looking for is to hear from all members of this House whether they agree that we should extend the state of emergency.

Our goals all along have been to protect the wellness of Yukoners, the health and safety of Yukoners, and it is hard to imagine a higher goal for us as elected representatives. I will just review briefly the pertinent facts leading up to the decision that is coming on or before December 8.

The first one is with regard to the epidemiology. We know that COVID is not slowing down; it is in fact increasing. We can see light at the end of the tunnel with vaccines, but we are not there yet, and we have to be so careful. We first declared a state of emergency, I believe, on March 27. I think we extended it on June 12 and we extended it again on September 9. As noted in the motion itself, that will need to be extended on December 8 if we wish to maintain the state of emergency.

What is the situation with the pandemic? Globally, on September 9, there were nearly 28 million cases. Today, there are over 65 million cases, which means that is has more than

doubled in the past three months, since we last declared the state of emergency. In the US, the situation went from 6.4 million on September 9 to today, when there is over 14 million.

Alaska has gone from 6,800 around September 9 to today, when the count is nearly 35,000. That is a five-fold increase over the past three months — 90 days.

Canada has gone from 136,000 cases to right around 400,000 cases. In the Yukon, we have gone from 15 to just over 50. Again, it is a significant increase, and we are in the middle of a wave here in the Yukon, here in Canada, here in North America, and here in the world.

The other one I will mention is Nunavut. Nunavut went from having zero cases on September 9 — in fact, zero cases up until a month ago — and in one short month, they went from zero to 198 cases. This just shows us how quickly COVID can spread when we're not putting in place the safety measures to protect our citizens.

That is the situation with the epidemiology. I think it's worth it to also just acknowledge some of the human reality of that, Mr. Speaker. I have been in many conversations lately with communities. I will just mention some really great conversations with the community of Watson Lake, with the Liard First Nation and the Town of Watson Lake, talking about how to protect against burnout, how to communicate with the public, how to shore up their capacity, and how to work with them. There was a period of time over the past month to month and a half where there were some cases in Watson Lake. One of the really heartfelt stories that I heard was about some of the stigma that was attached to COVID with that community and how it was affected as it came into other communities. I was hearing about some of the prejudice that was shown toward citizens of Watson Lake. It was tough. There is a lot of fear and anxiety out there.

I will share one more small story here today. I was on a conference call and there was a staff member who was working from home. He is one of those staff members who was brought across from another department. I don't even actually know which department, but he is working on the COVID situation, working from home, and suddenly, in the background, I heard his daughter asking about getting her dance clothes on because there was a dance video on TV or something. She really wanted to dance, and it was a real moment. Her dad, our public servant, was saying, "Yes, your dance clothes are in the laundry" — because apparently, she has been dancing a lot — so, reality there, Mr. Speaker.

That is what is going on in terms of the numbers and in terms of the stories.

But why do we need to declare a state of emergency? I think that we all understand the challenges in front of us, but why go through the trouble of declaring a state of emergency? As I have said many times — as I said recently to the media — it is basically about three things. There are quite a few more that are important as well, but the main three things, as I understand it, are: to put in place isolation requirements; to put in place border controls; and to put in place enforcement to support those. That's it. If we don't have the state of emergency, those things must go, and then we would be

navigating through COVID without some of those really important measures.

We wouldn't lose the "safe six" because they are just recommendations. They are just us talking with Yukoners.

Again, thank you to all Yukoners for doing their part, because we are in this together. I still use the term "Team Yukon."

That is the why. Let me also — because I think that members of this Legislative Assembly, in thinking about their positions on this motion in front of us today, will want to know what we are hearing from our communities. Of course, we are just one order of government. I have indeed spoken with First Nations and municipalities. I spoke — I think it was last week — with them, but time always blurs a little bit. I will be speaking again this weekend with municipalities, but what I have heard has been unanimous. Our First Nation governments and our municipal governments are saying, "Yes, please. Extend the state of emergency." So, I share that with all members of this Legislature.

Let me move for a moment, Mr. Speaker, to talk about some things that I have heard in this session. I think that we are now on day 35, if my count is correct, of this Sitting. Let's just go back to the beginning of the Sitting and just talk about questions or comments that I have heard here in this Legislature.

Up until today, I thought that there had been a shift, although I will note a question that came today that made think, "Okay, hold on."

I'm just referencing back through Hansard, Mr. Speaker. On October 1, the first day we sat, the Member for Kluane asked if we would be expanding the travel bubble — just saying, BC, but what about Alberta? We stood up and we said that, no, what we need to do is to watch the epidemiology and to protect the health and safety and the wellness of Yukoners.

On October 5, our next sitting day, the MLA for Whitehorse Centre asked why we don't get high schools back full time. I recalled the Minister of Education standing up and saying that it's all about the safety of those schools. It's about making sure that there is enough space for those students so that we can keep them safe and that we have most of our students back full time but, for the three high schools here in the Yukon, grades 10 to 12, we don't have enough space. It was about keeping those kids safe.

Then the next day, on October 6, the MLA for Copperbelt North asked the same question: When are we going to get all of those high school kids back in full time? I heard the Minister of Education say the same thing again — it's about the safety of the kids.

Later on, in the same Question Period on October 6, the MLA for Watson Lake asked about opening up to Alberta. Again, we gave the same response.

Just after that, the MLA for Porter Creek North asked when we were going to get more kids on the school buses. Again, the Minister for Education said that it's about safety on the school buses. That's what we have to look at. We have to make sure that there is enough space for those kids on the school buses, and that's what we have to prioritize because, if we put more

kids on the school buses, what we would be doing — yes, we would be getting more kids on school buses, but we would be elevating the risk.

On October 7, the MLA for Kluane asked again about expanding the travel bubble.

On October 8, the MLA for Lake Laberge asked about a detail on how the education funding would be used to get the high schools back to full time, but of course, what we said was that it's not just about the funding; it's about the safety of those kids.

Again, on October 14, the MLA for Lake Laberge argued about the situation here in the Yukon, saying that it's not a black-and-white situation and that some of the people whom he was talking with would like to open up the travel bubble to Alberta.

I just want to say, Mr. Speaker, that I think we've all heard that. I think that all members of this Legislature hear from the range of perspectives of Yukoners. It's always diverse, and there are always criticisms about the choices, as there should be.

I stopped noting on — two sitting days later, on October 19, the MLA for Kluane wanted to get information on when we could relax these rules. He was asking questions about timing. Well, when are we going to know about relaxing the rules so that we could expand travel to other jurisdictions? Again, as in all the times we stood here, it was to say that it's about the safety of Yukoners.

In the interim, from when our Sitting started until today, I think that everyone started to say, "Hey, you know what — hold on, hold on. It's not safe yet. We do need to put in place some more measures." I would like to acknowledge that all members of this Legislature did vote to say that the state of emergency was still important to have.

I'll talk a little bit about that, but I just want to note before I move on to that — I was surprised today to hear again from the Member for Porter Creek North the same question: When are we going to get more kids on school buses? What I have heard the Minister of Education say is, "When it's safe." I even heard her say that this is not meant to be a trite response. It means that the priority has to be about the safety of the kids. We appreciate and we understand that there are blended families and that moving kids around through those blended families is complex. I think that the Minister of Education even acknowledged that — that trying to schedule school buses is complex.

I'm sure that all of us as MLAs have dealt with constituents' concerns regarding that situation. I appreciate how problematic it is. However, the priority is — and remains — the safety and wellness of Yukoners. I don't think that any government would ever work to rush to get kids back on if we thought that it was not safe. We take that advice always from the chief medical officer of health — meaning that we are talking with him often and asking for his advice.

By the way, Mr. Speaker, I had the opportunity speak briefly with Dr. Hanley yesterday and asked him very directly about us and the state of emergency. I asked for his perspective on our situation. He said to me — and I will paraphrase here —

that this is still a worrisome time for us because of the surge in Canada. He still has concerns here in the Yukon. I heard him speaking on the radio again this morning about those concerns.

What about that last motion that we had — similar to this one? This one is about extending the state of emergency. I will note, Mr. Speaker, that we didn't put some sort of timeline on it. That is not how the act works; it is not how it is set up. It just basically says that you declare a state of emergency and you can undeclare it whenever that state of emergency ends. If you have not undeclared it by 90 days, it ceases to exist. That is why we need to make this decision by December 8.

I just want to note that, when we brought forward this motion previously — or a similar motion — it was a private member's motion. The Member for Copperbelt North brought it forward. He actually had to bring it back three times in a row. That took us five weeks. There were five weeks of debate in this Legislature. I went through all of that debate and counted all the times that each member of the Legislature stood to speak. I will leave out all of the points of order. I will just talk about those times when members stood to speak. Of course, there were several proposed amendments, so that meant that people could get up many times. The record goes to the Member for Lake Laberge, who stood to speak to the motion five times. The Official Opposition spoke over that five-week period — three days of debate — for 85 percent of the time on the floor of this House. That's how much time it took. In particular, the Member for Lake Laberge stood and spoke for a long period of time. One of the things that I recall him saying — and I will have to look it up in Hansard — was that he had a lot to say.

I appreciate that, but I also think that we need to get to decisions in a timely fashion when we're talking about emergencies. So, the Member for Lake Laberge spoke for 35 percent of the time of everybody in this House — one third of the time of this House was for one member to speak. I certainly listened to what he had to say. I certainly appreciate that the problem is complex. I also understand that, as people elected to this Legislature — and, on our side, as people in the role to run the government — we have to take decisions.

Okay. I will finish off by referencing yesterday's tributes in this House. I just would like to acknowledge that every member from all parties who rose to speak yesterday in those tributes talked about and acknowledged the amazing work of Yukoners. I think it started with the public service, but it extended beyond to all Yukoners and the work that they were doing collectively to keep us safe in this time. That is why I think of it as Team Yukon. That's what I think we're doing here. I think that, as a territory, we are working together to protect the health and safety — the wellness — of all Yukoners.

I acknowledge that there is a range of perspectives out there. I have never been surprised by that. In the end, though, we need to take decisions. So that is why I brought this motion forward. It is to allow all members of this Legislature to voice their opinions on this motion and then to vote on it. I look forward to that vote.

Thank you, Mr. Speaker.

Mr. Cathers: I am pleased to rise to speak to this motion. I want to note that, as the Yukon Party critic for democratic institutions, I will be the only speaker to the motion and I will be relatively brief in speaking to it so that we can return to debate on the government's budget.

The principle behind this motion is exactly what we have been asking for since the spring of this year — that important principle is democracy. The opportunity for elected Members of the Legislative Assembly to vote on the extension of extraordinary powers of the government is an essential requirement for a proper, working democracy. We finally had that opportunity — although months after it should have happened.

Fundamentally, we believe that the use of emergency powers should be subject to democratic oversight. As Members of the Legislative Assembly know, the spring legislative Sitting ended abruptly in March. At the time, we supported government's request to end the Sitting to allow them to focus on responding to what was, at the time, a quickly evolving situation. COVID-19 was a new, emerging threat and Yukoners watched as countries like Italy and Spain struggled to cope. They watched as jurisdictions like New York and Québec faced serious outbreaks.

So, in light of that situation, we agreed to allow rapid passage of the government's budget and adjournment of the Legislature. In the weeks following that decision, as we began to get a better sense of how the virus was moving and how we needed to respond to it, as well as with the government bringing in sweeping changes to existing laws without oversight, we began pressing the government to allow for proper legislative oversight of its actions.

Ultimately, what we were seeking was a return of the Legislature in some form. Jurisdictions around the world were finding ways to allow for their parliaments and legislatures to work because of the importance of maintaining a democracy, even in a pandemic. Some jurisdictions even made the statement that democracy is an essential service. In contrast, here in the Yukon, the Premier was quoted on the radio as saying that we are — and I quote: "... not in a situation where we need legislative oversight for any of the actions that we've done so far."

In almost every other province and territory in Canada, legislatures were meeting to allow democracies to function. In almost every other jurisdiction in the country, elected representatives were debating the use of emergency powers and providing legislative oversight on government actions. That is how our system of government is intended to work.

So, we began to write the Liberal government about meeting with the opposition to negotiate terms of the return of democratic oversight in the Yukon. We wrote letters on May 4, May 7, May 11, May 14, and June 1. The NDP also wrote letters to the same effect. While the Liberals are correct that they responded to our letters, they never agreed — or even acknowledged — our request to meet to discuss the return of the Legislature or the allowance of democratic oversight. So, it is quite disingenuous when the government pretends that they did.

Similarly, the Liberals also denied our request to have the Standing Committee on Statutory Instruments meet to review the many ministerial orders that the government was issuing under their emergency powers. As we have discussed at length, these ministerial orders were broad and sweeping. They included granting the ability to the Yukon government to alter contracts, deal with the way Yukoners are taxed, and limit mobility rights for Canadians. We know that at least one of their ministerial orders is being challenged by Yukoners in court on the grounds that it was an unconstitutional infringement on their Charter rights.

We have said all along that the government should not be casual or flippant about its use of these powers. We all know that the *Civil Emergency Measures Act* was never intended to be used in this way or for this long. Even the minister responsible for it has admitted this.

Earlier this week in debate about the use of the *Civil Emergency Measures Act*, the minister said that he didn't understand our position. He wondered aloud why we would insist on providing democratic oversight of the government's actions by saying — and I quote: "I'm not sure if it's a point of principle..." Well, Mr. Deputy Speaker, yes, it is a point of principle. That important principle is democracy. That's one of the most important principles there is. We are proud to have stood up for it even as the Liberals fought against it.

In our system of democracy, the executive branch — the government — is accountable to the legislative branch — the Legislature — and we are all accountable to the people of the Yukon. That incredibly important foundational principle is exactly what we've been fighting for through this year and throughout this legislative Sitting.

We have proposed motions, amendments to motions, and even actual private members' legislation during this Sitting. All of those are proposed with the intent of respecting that important principle of democracy. The executive branch should not be able to unilaterally grant itself sweeping and broad new powers and exercise those powers without any sort of democratic oversight indefinitely. We have said all along that the extension of the state of emergency should be done by a vote in the Yukon Legislative Assembly.

Finally, after many months, the Liberals have given us that ability with today's motion. It is too bad that the Liberal government had to be dragged kicking and screaming to allow for this basic respect of democratic principles and a shame that it took so many months.

It is also unfortunate that this requirement is not set out in legislation. The private member's bill that I tabled last month, Bill No. 302, would make this requirement law. We are glad that the Liberal government has finally come around to this important principle and brought forward the motion today.

I know that they view it as an afterthought and that they have already extended the state of emergency multiple times since declaring it back in March, but for us, this is an important matter of principle.

So, Mr. Deputy Speaker, we will be voting in favour of this motion, but we will continue to identify how things can be done better. We understand that many of government's support

measures for keeping Yukoners safe during the pandemic flow from the state of emergency. So, we do agree that the state of emergency should be extended. Despite what the government has said — and seems to think still — we have not opposed their ability to exercise ministerial orders, but we have said — and we will continue to say — that bringing forward time-limited legislation for debate and passage in the Legislative Assembly instead of using a ministerial order, which only Cabinet is involved in passing, would be a better approach, a more open approach, and a more democratic approach, and that is the approach we will continue to advocate.

That being said, we have not opposed the content of some of the ministerial orders themselves. In fact, in some cases, we think that they were premature in revoking some of those ministerial orders that created advantages for business and would note that, just as they imposed them without public consultation, they also revoked them without public consultation.

However, we do believe that public consultation should occur. That should preferably occur before rules are put in place, but if it is not possible to do that because of the urgency of the situation, that consultation should still occur after the order is in place and provide a simple opportunity to ask affected stakeholders and the public simple questions such as: What is working? What isn't? What should we change?

All along, we have opposed the lack of democracy in the Liberal approach and we have opposed that their actions have occurred without proper legislative oversight. The details matter, and we respect that, but in a democracy, public input matters as well.

As I noted, when possible, public input should be sought before rules are put in place, but when the urgency of the situation does not allow it, it is still possible to ask people afterward what is working, what isn't, and what we can do better.

I would also like to take the opportunity to note that our arguments have also included the need for ministerial orders to be reviewed by a legislative committee. So, I hope that the government will take this suggestion seriously and that the minister will ask his colleagues to reconvene the Standing Committee on Statutory Instruments or some other legislative committee to review any future ministerial orders issued under the *Civil Emergency Measures Act* as well as to provide an opportunity to seek public input on the ones that are in place and to ask questions as basic as: What is working, what isn't working, and what can we do better?

I would note as well that it was somewhat odd — the minister complained about how much time we spent debating these measures. I would note that talking about the civil emergency that has been affecting the lives of 40,000 Yukoners for about nine months — the minister complained that we spent three days talking about it here in this Assembly. I think that the minister should recognize that, when we spend time bringing forward the issues and concerns of Yukoners — including the fundamentally undemocratic approach taken by this government — the fact that he and his colleagues had to spend three days in this House working on this issue seems to

be pretty small to the Yukoners whose lives have been affected for months and who have been very upset when they have seen sweeping impacts to their lives without the opportunity for input — and the minister dismisses the importance of their views so casually as to suggest that three days was too long to talk about it.

When the minister spent time counting how much time members had spent in debate and how much time the Official Opposition had spent — at one time, I even heard that he counted the number of words — I would suggest to the minister that a far better use of his time during a pandemic would be consulting with the public on the rules that are affecting their lives, rather than counting the number of words in Hansard or figuring out the percentage of the amount of time that the Official Opposition spent versus how much time the government spent. That is not a good use of his time. That is doing nothing to improve public input and public accountability during a pandemic.

Mr. Deputy Speaker, I would note as well that we want to talk about collaboration. We have, on a number of occasions throughout this pandemic, suggested collaborative approaches. We proposed working with the government. That includes the fact that — earlier in the pandemic and on several occasions since — we proposed all-party legislative committees aimed at working together and supporting the government's and the territory's response to the pandemic. On multiple occasions, we proposed these all-party legislative committees, and every single time, our offer was met with partisan attacks from the Liberals and rejection.

As recently as yesterday, we proposed a collaborative motion that would have supported exactly what the Premier has said that his government is pushing for with regard to vaccine distribution, which is the argument that Yukon and any other territory should receive a more than per capita share because of the unique situation in our territory. Once again, this offer — an offer to work with them and have a position that was shared across party lines — was met with partisan attacks from the Premier and his colleagues.

I hope that, going forward, the government will reconsider its partisan approach of not working collaboratively with both opposition parties. We are all elected to represent Yukoners and we are all hearing from people who have legitimate concerns, questions, and suggestions regarding how government could improve its response to the pandemic. We will continue to listen to Yukoners. We will continue to provide constructive input to the government as well as identify how we think that government can do things better, including through the various proposals that we have made — such as the private member's bill that I tabled last month identifying how we would propose improving the *Civil Emergency Measures Act* to improve that public accountability and the accountability of government to the Legislative Assembly.

By bringing forward this motion and allowing us to debate it before they make a declaration unilaterally, I believe that the Liberals are finally slowly beginning to grudgingly demonstrate that they understand the principle of democracy we've been fighting for.

In recognizing this — before I conclude and before we vote — I want to note as well that today's motion does not indicate how long the government will extend the state of emergency for. That, of course, is not open or transparent.

The government has also said that they expect to continue to extend the state of emergency until there has been a vaccine made available to Yukoners. This suggests that this will not be the last time that they extend the state of emergency. We don't want to end up in the situation again where the government continues to make unilateral decisions to extend its own powers without any democratic oversight or scrutiny. With that in mind, I will move an amendment.

Amendment proposed

Mr. Cathers: I move:

THAT Motion No. 359 be amended by inserting the phrase “and that the Legislative Assembly should consider any future extensions before the extensions are implemented” after the word “extended”.

Speaker: I have reviewed the proposed amendment with the Clerks-at-the-Table and can advise that it is procedurally in order.

It has been moved by the Member for Lake Laberge:

THAT Motion No. 359 be amended by inserting the phrase “and that the Legislative Assembly should consider any future extensions before the extensions are implemented” after the word “extended”.

Some Hon. Member: (Inaudible)

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

Hon. Mr. Streicker: I am just wondering if we could ask for a small recess to allow us to consider the amendment, as per the new COVID rules that we have been working under.

Speaker: Are members in agreement with a brief recess?

All Hon. Members: Agreed.

Speaker's statement

Speaker: In order to comply with COVID-19 physical-distancing measures in order to allow members to confer and to review their positions with respect to the proposed amendment, the House will recess for 10 minutes.

Recess

Speaker: The Member for Lake Laberge, on the proposed amendment.

Mr. Cathers: I will not take that much time because the amendment itself is extremely simple. As noted — but just to recap, since we did take a recess — it proposes that the Legislative Assembly would have the opportunity to weigh in on any future extensions on the state of emergency before that state of emergency is extended. This is about ensuring that we never get in a position again where the Liberal government refuses to allow for democratic oversight and scrutiny of its

actions — as we saw throughout the months of 2020 — and we want to ensure that our democracy continues to function and that the Legislature is extended the same opportunity to consider debate and ultimately vote before a state of emergency is extended again.

Mr. Speaker, the minister said in his remarks that we are all on Team Yukon. I would note that the government's response to this friendly amendment is an opportunity to show whether there is any sincerity to that remark or if the Liberal government intends to continue their perfect record of rejecting every single constructive amendment and proposal that we made during the pandemic.

Ms. Hanson: I am happy to stand and speak in support of this proposed amendment to the motion put forward by the Minister of Community Services — the minister responsible for the *Civil Emergency Measures Act* — because, in fact, I was really, really pleased that — and it links, so I am speaking to the motion to amend — when I heard that the minister was bringing his motion forward, I thought, “Well, this is great” — because actually, he is seeking the sanction of the Legislative Assembly — the democratically elected representatives of the citizens of Yukon — to extend the *Civil Emergency Measures Act* — because, as we all recall, we didn't — we weren't here on March 27 as Members of the Legislative Assembly when the *Civil Emergency Measures Act* was enacted for the first time and subsequent extensions were made.

So, I actually thought that, by bringing it forward today, he was in fact setting a precedent — that he was indicating to this Legislative Assembly — and through us, the citizens of Yukon — that he would be working with all members of this Legislative Assembly in the future should there be a requirement to extend the *Civil Emergency Measures Act*.

So, I anticipated that we would, in fact, be seeing an extension — given what we are seeing in terms of epidemiology and the various forecasts that are out there about the duration of this pandemic — that we would be, in fact, having an opportunity to re-engage on this very matter in the Spring Sitting.

So, I do support the amendment. I think it just reinforces the democratic nature of the work that we do, that the government does, as the executive arm on behalf of the Legislative Assembly. So, I thank the Member for Lake Laberge for bringing it forward.

Speaker: The Minister of Justice, on the proposed amendment.

Hon. Ms. McPhee: Thank you to the members of the Chamber who have spoken to this matter, and thank you to my colleague for bringing forward this motion today. I think the amendment proposes to change the current legislation, Mr. Speaker. Of course, this Chamber is a place in which laws are made —

Some Hon. Member: (Inaudible)

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

Point of order

Mr. Cathers: I think that the minister is confused. She said that the proposed amendment to the motion seeks to amend legislation. The amendment is an amendment to the motion, and I was just hoping that you could clarify that for the minister — that she is speaking to a proposed amendment to a motion, not a proposed legislative amendment.

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

Hon. Mr. Streicker: I am not even sure — I just feel that the member opposite didn't like what the minister said and so is somehow entering debate. There is no point of order that he has listed.

Speaker's ruling

Speaker: The Minister of Justice might be incorrect. I don't know, really, whether she is, and I don't think the Chair really cares whether she is correct or not. This Chamber is not a truth-seeking Chamber. It is a Chamber where you are providing competing narratives. So, in any event, I will listen — but what I would say is that it is, of course, open to the Chamber to adopt certain motions and it may very well be that — and I would seek guidance from the Clerks — that this motion is completely orderly. If that were an issue, that would have to be a point of order — that the amendment was somehow not orderly. I have been provided with advice so far that it is orderly.

The Minister of Justice has a narrative that she believes to be correct. What we might just be dealing with is competing narratives, but I will continue to listen.

Hon. Ms. McPhee: I am not sure how half a sentence could be objected to, because I am not really sure what I was going to say, so I am sure that the member opposite doesn't know what I was going to say.

The Yukon Party conservatives have repeatedly characterized the use of the *Civil Emergency Measures Act* as being undemocratic. This approach is —

Some Hon. Members: (Inaudible)

Speaker: The Minister of Justice has the floor.

Some Hon. Members: (Inaudible)

Speaker's statement

Speaker: The Minister of Justice can sit down — and can continue to sit, certainly, if she wishes — but there is a difference — and we have talked about this in the Fall Sitting — there is a difference between providing the occasional off-mic comment and criticism versus — for both sides — engaging in active call-and-response conversation.

So, obviously, it takes two parties to engage in a call-and-response conversation. As I have said before, if members wish to have valuable conversations on matters that I am sure are important and that matter deeply to all Yukoners, then they can take their conversations outside of the Chamber, engage in those conversations and hopefully meaningfully bridge differences and do valuable work on behalf of Yukoners. However, it's not acceptable in the Chamber to have these four,

five, or six call-and-response conversations on the floor of the Chamber.

Hon. Ms. McPhee: I'm happy to stand today to speak on the amendment to Motion No. 359 as proposed by the Member for Lake Laberge. The Yukon Party conservatives — and, in fact, the Member for Lake Laberge — in their presentation with respect to introducing this amendment and then speaking on the amendment have repeatedly characterized the use of the *Civil Emergency Measures Act* as undemocratic. This approach does a disservice to Yukoners.

They have endlessly complained that the actions of this government have been without accountability. This simply is not accurate.

They have, on many occasions, stated that the use of the *Civil Emergency Measures Act* has not been transparent. Again, the approach and that information being conveyed to Yukoners by the Yukon Party opposition is not accurate.

Let's be clear about the *Civil Emergency Measures Act*. CEMA is a Yukon law. It became a Yukon law after due consideration by a duly elected governing body. They made policy. They drafted, they introduced, they considered, they debated, and ultimately they passed this piece of legislation and it became Yukon law. Mr. Speaker, what I have just described is, in fact, the democratic process and a true democratic process.

The Member for Lake Laberge has said that CEMA was not intended to be used this way or for this long. He said that today on the House floor. I may be misquoting; I'm not doing it verbatim.

This process of giving this kind of information to Yukoners can't possibly be known to the member opposite. Even any research that we were able to do with respect to this piece of legislation and when the act became law, as far back as 1966, could not be reviewed with respect to what the intention of the lawmakers was at the time. In fact, there is much evidence in the act and the legislation itself that contradicts that point of view.

One example might be that there are provisions for extensions of the state of emergency. The act grants authority — let me just go back for a second to say that the provision for the ability to extend the state of emergency leads one to believe that they contemplated the fact that the state of emergency might, in fact, be extended past 90 days. That is common sense. The act grants authority to the minister responsible to make certain decisions to keep Yukoners safe. That is the motivation and the requirement of the law.

Other Members of the Legislative Assembly in opposition, particularly the Member for Lake Laberge, have commented about how this government is somehow giving itself sweeping new powers — again, misinformation and incorrect approach. It's not accurate. There are no sweeping new powers given by anyone to anyone for anything. The CEMA act is the law that governs the state of emergency and provides authority to the sitting government —

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Streicker: Speaking from the other side, the Member for Lake Laberge just said loud enough for me to hear all the way over here, "Out and out lying".

Some Hon. Member: (Inaudible)

Hon. Mr. Streicker: If I hear it, sure. Thank you, Mr. Speaker. That is what I heard.

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

Mr. Cathers: On the point of order — I don't believe that there is a point of order. I was not speaking or recognized at the time. Whatever the member thinks he heard that may contravene a Standing Order was not a comment made on record. We can debate the accuracy of those points if we wish, but it's not a point of order.

Speaker's ruling

Speaker: In this instance, I would just caution the Member of Lake Laberge. I may have heard something that was very close to being clearly unparliamentary language. At that point, the Chair would likely intervene by himself or herself.

Hon. Ms. McPhee: Members of the opposition — and, in particular, the Member for Lake Laberge — clearly said earlier today that the government has given itself sweeping new powers in the approach that it has taken with respect to the CEMA. That is not accurate information, despite what the Member for Lake Laberge thinks.

The authority is in the law for the minister to make the kinds of decisions that have been made and included in the CEMA orders in this period of a state of emergency here in the territory, which nobody has asked for and nobody has wanted, and the CEMA has permitted response by the government to protect Yukoners.

As a matter of fact, with respect to each and every one of the decisions made by the Minister of Community Services — in every situation, he has taken each and every one of those decisions — he has brought them before Cabinet — an additional check and balance on the authorities that are contained in the *Civil Emergency Measures Act*. Could he have made these orders directly with respect to respecting that law and abiding by that law? Absolutely. Did he do so? No.

We have a one-government approach with respect to how all decisions are made — and certainly with respect to how these decisions are made — and they have all been made with the purpose of protecting Yukoners.

The misinformation with respect to the operation of the CEMA, I think, has been a great disservice to Yukoners. I appreciate that members opposite might have an opinion about certain decisions made, and they are well required and able to express those opinions. But to bring into question the operation of the current law itself, I think, is disrespectful to Yukoners and, in fact —

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Member for Whitehorse Centre, on a point of order.

Ms. Hanson: Mr. Speaker, I do believe that the member opposite is speaking on matters other than those that are contained in the proposed amendment to the motion, which is the subject to be discussed at this moment, as I understand it. Perhaps I'm incorrect.

Speaker's ruling

Speaker: I tend to agree with the Member for Whitehorse Centre. The only caveat I have is that this is now a debate in that the Minister of Justice is responding directly to some of the comments that the Member for Lake Laberge made.

The problem that the Chair is having now is trying to remember what portions of the Member for Lake Laberge's submissions were made in his contributions to the House in his speaking to the main motion and trying to separate out the additional comments that he was making with respect specifically to the amendment. I would just admit that this represents a challenge. The Minister of Justice certainly could respond to the substantive comments that the Member for Lake Laberge made on the main motion.

I agree with the Member for Whitehorse Centre that, specific to this amendment, the Minister of Justice is likely straying, but I understand that she is responding to the content in totality that the Member for Lake Laberge was providing in his contributions.

If the Minister of Justice could perhaps focus on the amendment.

Hon. Ms. McPhee: I will — certainly striking a few nerves here — speak more directly to the amendment if appropriate and as directed.

My submission to this Legislative Assembly is, in fact, that CEMA is the law of the land. CEMA has been abided by, to the letter of the law, by this government for the purposes of protecting Yukoners. The insertion of the phrase as suggested by the Member for Lake Laberge — requiring that the Legislative Assembly should consider any future extensions — is not currently the requirement of the law.

Today we are happy to have brought this motion for the purposes of discussing that, but as we all know — certainly some of us more than others — the response to the emergency situations that arise on a daily basis with respect to CEMA and the protection of Yukoners is well served at this point by the current piece of legislation. I won't be supporting an amendment to the motion that is here because it is specific to the purposes of extending the current state of emergency, pursuant to the law of CEMA and pursuant to the protection of Yukoners here in the territory. Things will change. We have brought forward a motion with respect to striking a committee for the purposes of looking at the CEMA piece of legislation and determining if and how it could be done better. We look forward to that future discussion. It is not — in my submission

to this House — something that should be done by way of this particular amendment.

The motion that is on the floor here today and before this House on behalf of Yukoners is that we extend the current state of emergency because the evidence supports it, the world pandemic facts and figures support it, the epidemiology supports it, and the protections that are permitted by that act to protect Yukoners are continuing to be required.

Speaker: Is there any further debate on the proposed amendment to Motion No. 359?

Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Disagree.

Hon. Ms. McPhee: Disagree.

Hon. Ms. Frost: Disagree.

Hon. Mr. Pillai: Disagree.

Mr. Adel: Disagree.

Hon. Mr. Mostyn: Disagree.

Hon. Mr. Streicker: Disagree.

Hon. Ms. McLean: Disagree.

Mr. Gallina: Disagree.

Mr. Hassard: Agree.

Mr. Kent: Agree.

Mr. Cathers: Agree.

Mr. Istchenko: Agree.

Ms. Van Bibber: Agree.

Ms. White: Agree.

Ms. Hanson: Agree.

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

Speaker: The nays have it. I declare the motion defeated.

Amendment to Motion No. 359 negatived

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

Ms. Hanson: I had initially intended to stand to speak in support of the motion from Mount Lorne-Southern Lakes — the Minister of Community Services, the minister responsible for the *Civil Emergency Measures Act* — and had felt — as I had said earlier — that the proposed amendment from the Member for Lake Laberge only enhanced it.

But I thought I would indicate my support for the motion because, unlike the previous motions that we had from the government backbenchers or government — whatever — that basically said in a blanket statement — asking this House to agree to a state of emergency — nobody would give that kind of a blind endorsement. But what we have here today in fact is recognizing that the Government of Yukon has invoked the

Civil Emergency Measures Act in response to the COVID pandemic. That implication occurred after the Legislative Assembly rose. We rose on March 19; it occurred on March 27.

I thought it was a good indication from the Government of Yukon, the executive branch, that they would actually come back to this Legislative Assembly and say that we all recognize and join in recognizing that this pandemic is not over — that in fact — at least in Canada — we're in the midst of a second wave — and who knows what's coming? They've indicated to us that they're seeking the approbation of this Legislative Assembly. I think that's the democratic thing to do. I applaud the minister for doing that, and that is why I said earlier that I thought that this was a good sign and that it did set a welcome — welcome — indication that it was the intention of this government to work with Members of the Legislative Assembly as we go through this pandemic.

You know, the recognition and the understanding of the impact of COVID-19 is not solely understood by members of Cabinet. All of us get it, and all of us in this room were elected to represent Yukoners. We have a duty and a responsibility not simply to say that whatever government says is correct.

The minister, at the outset, said that there are three purposes for the *Civil Emergency Measures Act* — those were isolation, border controls, and enforcement. But we all know that, in addition to those three critical functions during a pandemic, the government has issued a number of other orders that have had significant impacts on the lives of all Yukoners, and it is our duty and our responsibility to engage and discuss them.

Over the course of the last few weeks, my colleague from Takhini-Kopper King has identified where there may in fact be opportunities for some of the measures that this government has put in place pursuant to CEMA to be improved. For example, when the initial structuring of how we look at how we support front-line and essential workers who are making less than \$20 an hour — the government structured the program in a certain way. Well, we have found — and we found it again today, based on feedback coming into our offices — that there are significantly more than this government has recognized — a significant number of people who have not been able to access that program because the way that the government structured it required the employers to seek out that support, but there are employees who are suffering as a result of that.

As the minister has said — and I have heard it repeatedly on the other side — this pandemic is not over, so the need to address the needs of those essential workers who are doing the work in our grocery stores and on the front line everywhere in the territory — not just in Whitehorse — needs to be dealt with.

We have also heard about the situation that has arisen — and not just because of the pandemic — the issue around rent increases in this territory — which is quite legitimate — the increase of rent by whatever amount somebody wants to once a year. When we brought forth the suggestion that perhaps the government may want to consider putting a freeze on rent evictions — because effectively what we are getting are de facto evictions — which you are not supposed to do during a

pandemic, but people are going to achieve that by increasing rents by 30 percent or 50 percent.

There are opportunities to have that kind of conversation in this Legislative Assembly as ministers contemplate, based on other consultations — because not all consultation occurs here. But there is a legitimate role for each one of us to be able to engage and not to be excluded from that, because otherwise, you are denying the whole democratic institution of what we are supposedly representing in this Westminster model that we are supposed to be a part of.

So, yes, I support the motion that the minister brought forward in seeking the approval of this Legislative Assembly for the extension of the *Civil Emergency Measures Act* for another 90 days, effective, as he said, December 8. He said that he wanted that, and I am happy to agree with him, but I also think that it is imperative that there be opportunities for all of us, as elected members of this Legislative Assembly, to not only bring forward ideas but to actually be heard and not be met with already pat answers that just say, “Nope, that's not how we did it. That's not the program as we designed it.” Well, you know what? There are other points of view.

We represent 60 percent of the people who did not vote for the government in power. There are 60 percent of Yukoners who did not vote for them. Out there among that great 60 percent, there may be one or two ideas that are not totally sympathetic to the views. Maybe there might be a little bit of humility exercised by the Yukon government to admit that, once in a while, there may be ideas out there that they didn't think about at the time. Perhaps it wasn't in the range of considerations that were put forward in the Cabinet submission that they were reviewing at the time. New evidence and new ideas come forward.

If the minister is serious when he says that he still likes using the term “Team Yukon” — well, if you don't like playing all your players and if you force players to sit on the benches all the time and say, “Nope, you can't play and I don't want to hear from you”, that's not much of a team. That's not what I signed up for. I signed up to represent Yukon citizens and I am going to continue to do so.

I thank the minister for bringing forward his motion. I thank him for finally recognizing that the Legislative Assembly has a role, and I am happy to vote in support of the necessary extension of CEMA.

Hon. Mr. Mostyn: I am very glad to speak to this motion this afternoon. In the face of the second wave of this pandemic, the extension of the measures that we have put in place thus far is more important than ever. By now, I think that most people see dawn on the horizon. Vaccines are now running through their final trials worldwide, and I believe that the UK has just given one of them a green light. This is absolutely welcome news, but there is also a hidden danger in all of this optimism and optimistic news. People everywhere, including here in the Yukon, are more eager than they have ever likely been to return to a normal life full of close social interactions. It is human nature, Mr. Speaker. Frankly, I feel it too.

However, a tangible society-wide resistance to this virus is still many months away, in my opinion. Vaccinations will start with the most vulnerable. Vaccinations may take two doses, depending on which version of the vaccine becomes available first. So, jabbing all of our arms across the country and around the world is going to take some time, and therein lies the danger. Many people will likely let their guard down and start taking more risks. They feel the danger has passed. The virus, however, will be just as active and dangerous as it was at the beginning of the pandemic. So, we let our guard down at our peril, and I implore people to make sure that they continue the sacrifices they have made: Limit your social circles; please respect the “safe six”; wear a mask; plan your grocery runs. Do all of the things that you are doing until the vaccine has actually taken root in our society. So, Mr. Speaker, this ain’t over until it is over, and we must remember that.

That is what CEMA is all about. As my good colleague, the member for beautiful Mount Lorne-Southern Lakes, has said, CEMA allows three things. It allows a few other things, but the main three are: isolation measures, border control, and enforcement.

Over the last month, I have been talking to constituents and to other Yukoners outside of Whitehorse West, and they are comfortable with the rules that we have put in place. They support the protections that we have had in place for their safety, and they want them to continue. I have heard that message loud and clear. Many people whom I have talked to throughout this community and around the territory are very comfortable with the protections that we have put in place in the face of this global pandemic. This is why I think that it is important to extend the CEMA order.

I was surprised that the members of the conservative Yukon Party filibustered for five weeks over a very simple question recently. That question, Mr. Speaker, was whether they support the state of emergency. It is a simple question: Do you support it or not? What we were subjected to, Mr. Speaker, was hours and hours of filibustering, amendments, weaving and dodging and delays. After all of those various filibustering techniques — amendments, hours of talk — the conservative Yukon Party supported that motion. I was very glad that they supported it because we know that a significant portion of their base does not, which is why I suspect they stalled the vote.

Now members have put forward a new sparse CEMA bill. I want to remind the members opposite that, while the bill and motions refer to legislative oversight of emergency measures and while that sounds virtuous and straightforward, there are very serious pitfalls within them — the most serious, in my opinion, being the delays which would be created during a societal emergency when time is absolutely critical.

As I said, a perfect example, as mentioned by my colleague, the Minister of Community Services, is the fact that this House took five weeks simply to agree that we were in an emergency situation and that they supported the state of emergency — five weeks, Mr. Speaker, on one simple and, to most people, obvious fact.

So, I cringe to imagine going through endless points of order, amendments, and speakers while the pandemic spreads

or a fire burns or some other type of threat to our territory grows perhaps out of control. Of course, there will be accountability in the Legislature, but that can come when the threat has been somewhat mitigated and we’re out of whatever crisis that we find ourselves in, much like we would during a normal fire season when an emergency presents itself. The Government of Yukon should never find itself in a situation of paralysis by analysis when a disaster is looming or unfolding in real time in this territory.

On the topic of accountability, I know that the members opposite love to assert falsely that we have denied their democratic rights — not allowing the Legislature to sit, et cetera. Let me put the facts before the false. Mr. Speaker, the opposition has asserted that we are sitting less than other jurisdictions. This is wrong — absolutely and fundamentally not true. The Yukon Legislature this year will be sitting for 54 days — 54 days, Mr. Speaker.

That is more than the legislatures of British Columbia, Manitoba, New Brunswick, Nova Scotia, Newfoundland, the Northwest Territories, PEI, and Saskatchewan. We are sitting longer than all of those legislative assemblies this year during the pandemic. So, they are wrong, Mr. Speaker, and they have continuously asserted otherwise.

Mr. Speaker, we are democratic and we are sitting in a democratic Chamber at the moment debating the state of emergency in public view, live on the radio, chronicled by Hansard and the media. We abided by the unanimous will of the House to do so following a full debate of the budget in the spring, with us agreeing to forego our legislative agenda and sit until all opposition questions were answered — which they were at the time. The budget was passed by this House and we ended the session. The budget passed in public view, live on the radio, chronicled by Hansard and the media in this Chamber.

We ended that session with a promise to the people of the Yukon. Let me remind the opposition what that promise was — on that last day of that session, late at night, we were here in this Chamber and we unanimously agreed to return to this Chamber — the Legislative Assembly — on October 1. We unanimously agreed to come back on that date. Guess what, Mr. Speaker? We fulfilled that promise. We came back here on October 1 during the pandemic, as promised and unanimously agreed to in public in this Chamber, on the radio, in full public view, and under media scrutiny.

It wasn’t just that, though, Mr. Speaker. Over the summer, we made the opposition five offers to meet and discuss the budget and CEMA orders — five offers. They could ask these questions publicly, with Hansard support, and they refused. They refused five times. I wondered then, as I wonder now, where their democratic principles were this summer. So, please forgive us if we express scepticism of the so-called olive branch motions being extended by the Yukon Party in this House this week. Perhaps if they come clean with Yukoners on the real reasons why they turned their back on democracy this summer, we might be more likely to accept their olive branches in the future.

I want to know — it was interesting to hear Currie Dixon, leader of the conservative Yukon Party, telling local media how he now supports extending the state of emergency. This is certainly a change from early in the summer when the Yukon Party was telling anyone who would listen how they disagreed with the restrictions that had been put in place for their safety. They were opposed to it.

Let's go back to the early days of this pandemic when the federal Conservative candidate in the last election made a comment in the *Whitehorse Star* on May 1, 2019, about where they stood. It sounded remarkably like the approach currently playing out in Alberta under Jason Kenney — another individual whom the conservative Yukon Party admires so much that they have used him as a fundraising draw here in Whitehorse. Let me quote the Yukon conservative candidate's comments last May. "... humanity has not faced a challenge like this pandemic in generations, so politicians are taking direction from medical experts — ordinary professionals, in extraordinary circumstances, doing the best they can — but public confidence wavers when their advice changes daily. While doctors may be experts in health, they are not experts in financial or cultural health..."

I would like to point out that this individual remained on the Yukon Party payroll throughout the summer.

The first reaction — both locally and federally — from conservatives to the governing party's response to the COVID-19 pandemic was to discredit the chief medical officers of health across our nation. At the same time, prominent members of the Yukon Party were busy financially supporting a court action against the measures put in place to protect Yukoners. I am glad to see that the Yukon Party has changed its mind and it now thinks that those measures are a good idea.

This afternoon, a few moments ago, we heard the Member for Whitehorse Centre speak about the CEMA orders beyond the three that we mentioned earlier — border controls, enforcement, and isolation — and wanting to discuss them. Yet, this summer, that member too turned down that opportunity — not once, but twice. Twice she was offered opportunities to discuss those CEMA orders in this Legislature, with Hansard support, and the member turned it down.

So, please excuse my scepticism of her moral outrage this afternoon. It rings hollow. This summer, when she could have represented her constituents and when the member opposite could have come off the bench, she refused.

I will, of course, be supporting this motion and I sincerely hope that the Official Opposition and the Third Party do the same. I have heard them express that they will. I am glad for that, because it is no exaggeration when I say that the CEMA orders we are now contemplating are going to save lives.

Mr. Kent: Although I hadn't intended to speak, I do just want to offer a few comments to what I've heard here today and perhaps offer a bit of experience from my time in this Legislature. I'm hoping for perhaps some better days ahead as we close out this Fall Sitting here in the next — I believe there are 10 days left after today.

I just want to comment — I know the Minister of Highways and Public Works just mentioned — I believe it was the Member for Copperbelt North's original motion to support the state of emergency. He said that it took five weeks to get it passed, but I think it's important for Yukoners to know that government private members — their private members' day is once every other week. So, we spent three days talking about this motion. There were amendments brought forward that we felt would have improved the democratic oversight, that would have improved information sharing, and that would have improved timeliness.

Obviously, the government — which they have the ability to do — voted against those amendments. But three days — and after we get through the Daily Routine there was, I would say, at most, three and a half hours left in the day — so 10.5 hours to debate a motion around a state of emergency that has affected over 40,000 Yukoners. It has essentially affected every individual who lives on this planet.

To hear the government talk about filibustering and complaining that we took three days or 10.5 hours of debate to go through something so important — I think what all of us in this House have to think about is the impact of the state of emergency on all Yukoners. Small business owners — some have closed their doors, some had to close their doors for the summer in the tourism industry, and some are hanging on by a thread. Some bar owners have told me that their business is down by 80 percent this year over last year.

Obviously, the measures that were brought in were brought in for health and safety reasons, but I really hope that the government members think about their statements about how difficult it was spending 10 and a half hours talking about something that has affected over 40,000 Yukoners for months and months on end. I think that the Member for Pelly-Nisutlin and I, in listening to the Premier complain about how long we spent in general debate — I think it was eight or 10 hours at the time that we were in general debate, and that is a normal work day for most people. That is a bit of a long shift for a construction worker. When complaints like that are being lodged by individuals in here who are fortunate enough to still be employed and receiving a wage, it's pretty tough for some of those workers or business owners who are struggling to hear complaints about 10 and a half hours of debate on something, or eight or 10 hours of debate on something else, or 15 hours — those certainly aren't very long hours when it comes to what Yukoners out in the private sector have to deal with on a regular basis when working. For many Yukoners, those complaints will certainly ring hollow.

As I mentioned, Mr. Speaker, I just want to say that I heard partisan remarks and political attacks. We are in a House where that happens, but I think that it is important to put on the record some of things that we have offered since the start of the pandemic that were in the spirit of cooperation and collaboration. Members will remember that what would have normally been a 30-day Spring Sitting was shrunk down to nine days because of the pandemic. We agreed at the time to expedite debate on the budget so that we could pass it. Obviously, a number of bills stayed on the Order Paper that we

didn't get to and would normally have been business in that 30 days, so to once again hear the Minister of Highways and Public Works say that somehow, in those nine days of debate in the spring, there was fulsome debate on the budget — again, Yukoners who follow this Legislature would not call nine days of debate on the budget fulsome debate on the budget.

As I mentioned, we did offer, back in the spring, an all-party committee to look at some of the responses and to assist with responses on the crisis and the impact on businesses. That was voted down at the time by the government members.

Some further examples — we have been asking matter-of-fact questions on the health response in preparation for vaccination, and what we get is partisan and personal attacks inside and outside the House. We bring forward all-party committee proposals — once again, partisan and personal attacks inside and outside of the House. We bring forward a motion supporting the Liberals' position on vaccine negotiations — once again, what do we get? We get partisan and personal attacks, not only on the floor of the House but out in the media.

Even on the ministerial statement that was brought forward today on the Fortymile caribou herd — my colleague, the Member for Kluane, gave kudos to the government on a job well done. What do we get at the end of that? A partisan attack from the Minister of Environment against the Yukon Party.

We saw it again in response to what should have been a simple amendment to support democracy during a state of emergency. Again, what we got from the Minister of Justice was partisan name-calling and attacks on the Yukon Party.

So, unfortunately for Yukoners, it appears that the current Yukon Liberal government doesn't understand or respect the principles of democracy and collaboration.

I get it — we have been elected for over four years. There will obviously be an election before this time next year. There will be an election. Some of us may be here and some of us won't be here after that election. Who knows which party is going to be on which side of the House? The jockeying has begun and tempers are short. We're on day 35, as I mentioned, of the current Sitting. Even though it's a little cooler outside, the temperature in here gets heated during Question Period and other times.

You know, there are times when I drive home after work and I'm not proud of some of the things that I've said or done in here or some of the behaviours that I have exhibited, but I think that probably goes for all members of this Legislative Assembly. There are some things that are said in the heat of the moment, and there are some things that are written down, unfortunately, by staff that are said — such as the ministerial statement response today that really didn't recognize the kudos that the Member for Kluane was giving the government on that ministerial statement.

I think it's disappointing, because I know that every member of this Legislature, when we started this work four years ago, came in here and wanted to — everybody who puts their name on the ballot or on a lawn sign, I guess, wants to make a difference. The 19 of us who were fortunate enough to be elected to come in here — I think that we all wanted to make

a difference. This is my third term in this Chamber and in government and the first one where I have served in opposition, but it still doesn't mean that we don't want to make a difference for the people whom we represent and for all Yukoners.

A promise that appears in almost every political party's platform is to restore order and decorum to the House. Everybody talks about it, and unfortunately, we're at a point in the mandate, perhaps, where that order and decorum has gone out the window.

It's to a point — and again, this is my opinion and speaking from my experience — that it's the worst I have ever seen it. This is nine years since I was first re-elected in 2011, and there were two and a half years before that, and this is the worst I have ever seen the Legislative Assembly as far as order and decorum, the way that we treat each other in this Legislature, and the way that we talk about each other outside of it.

We will be supporting this motion. Obviously, we're in a challenging time with respect to the pandemic and the second wave. I'm sure we all have friends and family in provinces down south where this is extremely challenging, and we're seeing challenges up here in the Yukon as well.

Obviously, we're going to support this, but we felt that there could have been a little bit more democratic oversight with respect to the amendment brought forward by the Member for Lake Laberge, which was subsequently voted down. That said, I'm hopeful that, as we finish out the next 10 days — or 10 days and a couple of hours before Christmas — and as we head into a potential Spring Sitting and then an election, we can perhaps all refocus and dispense with personal attacks, dispense with partisan attacks, and focus for the remainder of our time in here as an Assembly on what we were elected to do, and that is to represent the interests of Yukoners, no matter how they voted in the last election.

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

Does any other member wish to be heard on Motion No. 359?

Hon. Mr. Streicker: I am going to build off a few of the comments that the Member for Copperbelt South just spoke about. I have noted, in all of the meetings where I have gone to talk to communities around this territory — whether that is in person or via Zoom or via calls or however it is — there has been a real anxiety in the territory, and that is because we are in this big pandemic. It is really tough on people, and I think that is true here as well. I think that I always do my best to come here and speak with respect to — in fact, to try to be kind — and it's tough, I agree. I expect criticism. I think that is the whole set-up of this system — if there is a majority of people elected, they form the government and then the opposition's job is to criticize. When it is done respectfully, I completely believe in it.

I think that it should also be obvious — but I will say it — that we will also criticize. We will criticize past records — but I think that our job is to do that respectfully, without personalizing it — but to hold to account the record, to say to

Yukoners: “This is what we believe was the history” — that we draw comparisons. I think that should happen, and I don’t think that it should be surprising — and it’s not incorrect. It is when we do it in a disrespectful way or without decorum — that is the time when it is not right — and I think that it’s not right for Yukon because our job here is to represent Yukoners. I think that everyone deserves that respect, having been elected. If I have been disrespectful, I will apologize. I do watch for it.

In fact, I will just make a small comment about counting. It’s one of the things I do, Mr. Speaker. I said earlier in the tribute today that I am an engineer and it is in my nature to count. I look at all times — I try to count because one of the things about counting is that you can be more objective. When you are trying to decide whether you are doing something in a way that’s different or worse, I look for ways other than subjective ways to decide that. I count all the time.

I will tell you, Mr. Speaker — I think I have said this — that when the pandemic hit, my workload doubled. I have been working hard. I have watched colleagues work hard. I don’t always know about the members of the opposition, because for me — I saw their offices closed. I didn’t see them in the places where I normally see them, but I assumed that they were working hard because Yukoners were asking for help. Yukoners were concerned; Yukoners were anxious.

Let me just follow up on that notion ever so slightly. I do think that it’s important that we have humility as people in this Legislature and that we take the time to listen more than to speak. I do think that good ideas come from many quarters. I don’t agree that somehow we have only listened to the people who elected us here. That is not even close to what I believe to be the situation.

I started off, as I opened this debate, talking about meetings — which I really appreciated — with the Town of Watson Lake and the Liard First Nation. I went there with the Premier to give out an award around language and education to some community members and elders who had been working to hold up the language. We then went for those meetings. I don’t think that we are not talking to all Yukoners in the same way that I believe that the members opposite are certainly talking to folks in my riding. Why wouldn’t they? I hope that they are, because I want them to be doing that. There is nothing wrong with that.

But it’s not correct to say that the government isn’t trying or working at all times to listen to the whole of the Yukon. This piece of legislation that we’re using — somehow there’s a suggestion that, “Man, we should be here in the Legislature to bring forward these motions all the time.” Really? Which other acts should I be using? Which other ones aren’t democratic for the members opposite? Is it the *Dental Profession Act* that we passed early on? How about *Workers’ Compensation Act*? We brought that one in; we don’t meet to talk about it. How about *Missing Persons Act*? How about the cannabis act? How about the *Liquor Act*? How about the *Societies Act*? How about *Coroners Act*? How about *Employment Standards Act*? Which one is right to bring back here?

You know, I think that the members opposite have brought forward a reasonable suggestion — one worth looking at — as we look at this act to try to understand how to improve it in the

future. I see a couple of other provinces that do this. So, I think that it is a worth a look. I see many that don’t do this — maybe that’s the better model. I don’t want to debate that here. What I want to debate is whether or not Yukoners are safe. That’s the debate that I’m here for. That’s the thing that I’m trying to focus on with all of us.

When I say “Team Yukon”, I don’t expect all the members of my team to agree with me. Trust me, Mr. Speaker — I know that I’m often in the minority in my thinking. I learned that long ago. I learned that when I was a municipal councillor. I know that as a representative in this Legislature; I know that as a minister. I don’t always agree with people. I think that there is strength in the diversity of our views, but I don’t think that it’s always just MLAs who have the ideas.

For example, no one yet in talking about the CEMA legislation mentioned First Nations. Aren’t they elected too? Don’t they have valid perspectives that we need to listen to? Isn’t that important to check in on? You know what — I do talk to them, and they haven’t yet said to me, “Okay, hold on. Let’s change this legislation first.” No, what they’ve said to me — in fact, I have a letter. I’m sure that, somewhere in this pile of stuff, I have a letter —

Some Hon. Member: (Inaudible)

Point of order

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

Mr. Cathers: The minister is on an odd sidetrack. I think he has forgotten to speak to the matter under discussion — which would be Standing Order 19(b). He is making some rather outlandish claims considering that they voted against public consultation; to suggest that no one proposed it is quite odd.

I think, though, that he does appear to be off track and in contravention of Standing Order 19(b).

Speaker’s ruling

Speaker: For all members — I guess the Minister of Community Services is the only remaining person, so he’s probably the only member who needs guidance right now.

“THAT it is the opinion of this House that the current state of emergency, established under the *Civil Emergency Measures Act* and expiring on December 8, 2019, should be extended.” If the Minister of Community Services could loop back to that subject matter, although some of the analogies — I can see where you were going, but I’ll listen.

Minister of Community Services, please.

Hon. Mr. Streicker: Here’s where I was going: I have a letter here from the Council of Yukon First Nations — having met with all the First Nations — recommending that we extend the state of emergency, so I’ll table that.

I’m just saying, Mr. Speaker — because we’re talking about extending the current state of emergency, and we’re talking about talking to Yukoners — maybe elected officials — and to get their perspectives on this — and I think that this is about extending the state of emergency.

It's not just other elected officials. We go and talk — it's also municipalities, but it's beyond that — we have a business advisory council that we talk to about their concerns, which includes about whether we should be in the state of emergency or not — whether we should extend it — a tourism advisory group. We have the not-for-profit advisory group. There are a lot.

So, as a government, we will listen to all those groups. There is anxiety and tension in this room — partly because of COVID-19 and partly because of the partisan nature of this place — but I say that I am happy to hear ideas from the members opposite. Earlier in his debate on the original motion, the Member for Lake Laberge quoted me — well, referenced me — and I would like to just pull that up more fully and put it into context.

So, here I am, and I will now quote from Hansard: “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.” Some of my language is not good, but I will come back to it. “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. Deputy 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.” That is what I said here.

Mr. Speaker, what I will just finish off on is that my approach to this question all along has been: How do we help Yukoners navigate this challenging situation? I think that the state of emergency gives us the tools to do that. I look forward, at some later date, to amending that legislation. I actually think that, when you go to amend legislation, what you ought to do is engage Yukoners — right? Isn't that what I have heard? Isn't that what we have said? Yet the members opposite said, “No, no, no — here it is; here's the amendment. What is that amendment? Oh, it is about us” — “us” meaning them.

So, great — but I think that there are some other things that would be important too, and I think that all of that has to be taken into context.

The last point that I will make is that none of us here complain about the length of debate on this side. We're not concerned about the length of debate. Ten and a half hours — no worries. What I am concerned about and what we were concerned about is the five weeks — because when you are talking about an emergency, if I had thought to myself that I will bring this up today, and if it took us five weeks from now to decide whether this House agrees that there is an extension to the state of emergency —

Some Hon. Member: (Inaudible)

Point of order

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

Mr. Cathers: The minister seems to be forgetting that calling a private member's motion back every two weeks was the government's choice.

It was actually only three days of debate. The government can call business anytime it wishes to as a government motion. The minister seems to be forgetting that point. Again, he seems to be speaking to matters other than the item under discussion.

Some Hon. Members: (Inaudible)

Speaker's ruling

Speaker: Just as a refresher — everyone can sit down. First, even if the honourable members disagree with the point of order raised, once the member has stood to state a point of order, he or she is entitled to be heard on the point of order.

It's not going to work very well for a Speaker, a Chair, or a Deputy Chair to make any determination of points of order if there is an instant back comment when the member is trying to state their point of order. That is an untenable situation for a Speaker, Chair, or Deputy Chair — whether it is on the opposition side or the government side, whether you like it or not. I have to be able to listen to what the point of order is, however meritorious or non-meritorious it is ultimately determined to be.

But I think I have listened to most of what the Member for Lake Laberge said. In my view, it is a dispute among members and it is about alternate narratives.

Hon. Mr. Streicker: If you want to extend the state of emergency — and having brought this motion today — if it took us five weeks to get there, we would end up with four or four and a half weeks without the ability to have border control, isolation requirements, enforcement, and all of the other things that we have done to try to help Yukoners. It isn't that we are concerned to hear people speak about this for a long time. There is some concern that I have that it should be spread out among the members of the Legislature and that the opportunity to speak should be more balanced, but the rules allow it, so that's fine. I can live with my concern. What we have always been saying here is that it took five weeks to get to that vote here in the Legislature.

Mr. Speaker, this motion that we're talking about — we brought forward. The motion that came to talk about whether we were in a state of emergency — we brought forward.

I have heard the members opposite talk about how they needed to have the Legislature in session to do this, and yet I have not seen them bring these types of motions forward, and the criticism is that we are not interested in their perspectives. I believe that we are. I look forward to hearing their perspective today. Once this is done, we will see how the vote goes — terrific — and I look forward to working with them, whether it's through a select committee or in other ways, to address potential changes to the *Civil Emergency Measures Act*. I look forward to that.

Speaker: Are you prepared for the question on Motion No. 359?

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.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Hon. Ms. McLean: Agree.

Mr. Gallina: Agree.

Mr. Hassard: Agree.

Mr. Kent: Agree.

Mr. Cathers: Agree.

Mr. Istchenko: Agree.

Ms. Van Bibber: Agree.

Ms. Hanson: Agree.

Clerk: Mr. Speaker, the results are 15 yeas, nil nays.

Speaker: The yeas have it. I declare the motion carried.

Motion No. 359 agreed to

Hon. Mr. Streicker: 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 Acting 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

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

The matter before the Committee is continuing general debate on Vote 55, Department of Highways and Public Works, in Bill No. 205, entitled *Second Appropriation Act 2020-21*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

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

Deputy Chair: The matter before the Committee is continuing general debate on Vote 55, Department of Highways and Public Works, in Bill No. 205, entitled *Second Appropriation Act 2020-21*.

Is there any further general debate?

Department of Highways and Public Works — continued

Hon. Mr. Mostyn: Good afternoon, Mr. Deputy Chair. This afternoon, I just want to welcome, once again, my officials, the Deputy Minister of Highways and Public Works, Mr. Paul McConnell, and his colleague, Mr. Gorczyca. They're here to help me this afternoon, and I really appreciate them coming out on a Friday afternoon to provide their excellent advice to me as we work through the supplementary budget of this year.

As the members opposite know, in our supplementary budget, we have small capital and O&M items. I believe we have about \$11.5 million in O&M spending that we have come forward with, and we also have in the neighbourhood of about \$20 million on the capital side. I am looking forward to questions on those items.

In the spirit of openness, transparency, and democracy, I'm open to any other questions the members opposite may have. I think that, since we started this, we have been fielding questions from 16 years ago, right back to specific page references in flight documents dating back to February 2017 — I think page 74. We're running the gamut, and I'm open to answering these questions. I will throw it open to debate or questions from my good colleagues opposite.

Ms. Hanson: Mr. Deputy Chair, it's the first time today that I have been called "good".

When we left off on November 25, the minister had ended off by indicating to me that he thought that I was pessimistic and that he was a much more optimistic individual when it came to his abilities and the Premier's abilities to convince the federal government to change its mind with respect to decisions around the disposition or outcome with respect to the operations of Nav Canada at the Whitehorse airport.

I just want to ask him — I'm sure everyone read the *Whitehorse Star* article on Wednesday, December 2 where we saw former Yukon Liberal Premier Pat Duncan, now senator, questioning Transport Canada at the Standing Senate Committee on National Finance. I am hoping that the minister has more recent information. This was a standing committee that met last Thursday. I am quoting what the senator said at that committee meeting: "Transport Canada is asking for nearly \$116 million to provide essential air services to remote communities," she said... 'And we have recently learned in the Yukon, that Nav Canada is giving consideration to potentially closing down control towers at seven regional airports, including the international airport at Whitehorse, Yukon.'"

She also then went on to say: "Are any of the funds requested by Transport Canada being put towards ensuring that these control towers stay operational to maintain safety in Canadian airspace, and if not, what does Transport Canada propose to do to keep the regional airport towers operational?" the former Yukon premier asked."

In his response, the Transport Canada official told the committee that, of the \$116 million pledged for essential services in remote areas, no funds will be given to Nav Canada

to help them maintain continued control over operations at the Whitehorse airport or elsewhere.

Can the minister update this House as to — subsequent to that hearing last Thursday, have any additional entreaties been made of the federal government, and what success can the minister report to this Legislative Assembly with respect to ensuring that Nav Canada's essential services at Whitehorse airport are maintained? We have heard the need and concerns for this repeatedly expressed by the aviation industry in Yukon. I am hopeful. Contrary to what the minister said on November 25, I can be an optimistic person, and I am hoping that this optimism is rewarded today with some positive news from the minister.

Hon. Mr. Mostyn: I am happy to see the optimism from the member opposite this afternoon. Checking the notes from our conversation on November 25, I expressed that the member opposite was characterizing the decision as a decision — as a fait accompli — and that this was going to happen. I don't think it is.

I think that Nav Canada, which is an independent agency — a corporation unto itself under the federal government — is examining its plans in the face of this global pandemic because it's hemorrhaging money like most aviation industry players who have seen precipitous drops in aviation traffic.

The member opposite is right — we did see the Yukon senator discussing this in Ottawa recently and talking to Transport Canada. Nav Canada is autonomous from Transport Canada, and it relies on its own revenue specifics. The money that Ottawa has generously provided so far to this territory to support our aviation industry has not gone to Nav Canada. Frankly, I think the industry itself is benefitting from that largesse and I think that's the way it should be.

If I check my notes on aviation, I will find the most recent information. I just don't want to go off the top of my head. I've had a briefing, but I want to go from this. Currently, the control tower at Erik Nielsen Whitehorse International Airport is operated by Nav Canada and continues to operate normally. There are no losses of jobs or services at the airport currently. Nav Canada has contacted the department announcing that an aeronautical studies review is underway at locations across the country, including Whitehorse. We are working with Nav Canada to support the review and remain committed to supporting Yukon's critical aviation industry.

Personally, I can assure this House that I am not in favour of any staffing or service cuts to the control tower at the Erik Nielsen airport. We know that the aviation industry has been one of the hardest hit by COVID, as I've just said.

We do know that the Nav Canada team is actually starting consultations in the Yukon starting in January. They are going to be reaching out as part of their review, as part of the decision-making process. They're going to be talking to stakeholders in the territory starting in January.

I am including the Yukon aviation advisory committee that we struck, so they will be looking to that group for guidance as well. I have no doubt that they will hear from local industry players that service cuts or staffing cuts at the Whitehorse International Airport are not supported. That is certainly the

message that I will be delivering. From talking to some of the aviation players, I am sure that a lot of them will be saying the same thing.

Ms. Hanson: The point is that NavCan can say as much as it wants and plead its case as much as it wants. It is a non-governmental agency privatized by a previous federal government — so those services, those essential functions to a thriving aeronautics industry. We go through this in periodic phases, as you know, Mr. Deputy Chair. The governments elect to privatize government services, including this government here.

My question really wasn't whether or not he supports Nav Canada or likes the idea that they are doing consultations. Of course, Nav Canada is doing consultations, but they depend on the fees for their services because of the privatized model. As he has said, there is no aviation industry right now. So, they have made a plea to the federal government.

What I said to the minister was, in reading the testimony from the Senate committee, if he doesn't believe the testimony and the response made by Transport Canada to the Senator for the Yukon, then who does he believe? The response was — and I will repeat it: "...told the committee that of the \$116 million pledged for essential air services in remote areas, no funds will be given to Nav Canada to help them maintain continued control tower operations at the Whitehorse airport or elsewhere."

So, if they don't have air traffic controllers, as we have discussed, then there is the option of continuing as a flight service specialist centre, and then there are incumbent costs associated with that. If nothing else, if the government is unable to impress upon the federal government — its colleagues, its friends in Ottawa, the Liberal friends — the importance of maintaining this essential service at the air traffic controller level, has it done costing scenarios of the cost to Yukon of putting in, say, the specialized light services that would be required to install safer, for example, automatic runway lights that would be triggered by pilots? These are a cost to the Yukon government, should the federal government fail to support the continued services that Nav Canada is seeking.

I'm simply asking what kind of preparatory work, what kind of scenario work, in preparation — as I assume this minister across from me is doing now in preparation for the spring budget. This is the time of year when those should be done, ramping up — probably, hopefully, almost complete. This is a factor for that budget.

What information has the minister considered, and what cost implications does he anticipate?

Hon. Mr. Mostyn: During the last few days that I have been up here talking to my good colleagues across the way, we have gone back in time a little bit, from four years to 16 years. I'm going to go back a little bit further to former Premier Penikett, whom I had the good opportunity to know and speak with and sometimes spar with. Mr. Penikett had an expression that he used with me: "We don't discuss hypotheticals". That's a good lesson for the member opposite that, when you're in the midst of negotiations — when you're facing a negotiation, a potential negotiation — with a federal agency that is

independent of the federal government, you don't start throwing numbers on the table and saying that we're prepared to spend this or that or the other thing. I'm certainly not going to do that on the floor of the Legislative Assembly. I'm certainly not going to start discussing a hypothetical budget that we're in the process of pulling together on the floor of the Legislative Assembly this afternoon.

That's just not the way government works. I'm surprised the member opposite thinks that it's the way government works. But I'm happy to say that we're going to participate in the exploratory talks that are happening in January and probably will go on that way. If, in fact, there are any — and certainly I know that the Premier and I have expressed to the federal government that we do not support any cuts to Nav Canada, and we will continue to fight for jobs in the territory and for retention of services in the territory, as I have said for two days running. We will see where these discussions go in January.

But I'm not going to preface those discussions by saying, "Yes, we're prepared to spend X million dollars or X hundreds of thousands of dollars doing XYZ and anticipate..." No, that's not how it works.

I'm happy to take the next question from the member opposite.

Ms. Hanson: It is unfortunate that a minister doesn't understand the importance of actually doing environmental scanning and considering all potential implications and impacts to his budget area. If that's how he does it — ad hoc and sort of as situations arise, and then you try a reactive budget approach — that's one approach. I guess that may explain some of the ad hocery that we see in this government's budgeting.

The other day when we asked questions in this Legislative Assembly with respect to the Highways and Public Works project to continue the Yukon Party's project to expand and widen the Alaska Highway from the Carcross Corner over to the Mayo Road Cut-off — it's funny that it is being touted as: We weren't doing what the Yukon Party did — but then it turns out that exactly what we're doing is what the Yukon Party proposed.

One of the ones that I had raised the other day had to do with the continued concerns being expressed by folks who live in Hillcrest, Granger, and Valleyview in terms of safety and getting across that now widened road where we see light standards, but we don't see any street lights. I understand and wholly appreciate the safety concerns during the time of pandemic with respect to the reluctance of Outside contractors coming to the territory to do whatever magic is necessary to operationalize the street lights near Hillcrest Drive.

My question for the minister is: What options, what alternatives — I hate to offer to the minister that there might be alternatives to what he has already not done — to having those highly technical requirements achieved — to have the lights turned on? If that's not possible now, in the interim and given that this pandemic may stretch on for some time, as we keep hearing, has the minister considered alternative measures to ensure the safety of pedestrians and bicyclists as they attempt to make their way across that highway, such as perhaps the

street lights that are used at construction sites, street lights that we see on highways at bridge approaches and others?

I'm just simply asking the minister what alternative ideas he has out there, or does he anticipate that there will be no street lights until after the pandemic is actually finished, whenever that is? Because we don't know, he doesn't know, and we can't possibly know with any certainty when this time of uncertainty is going to be finished.

What alternatives are there in terms of providing certainty? Has he followed up on the concerns — because tonight, all of us received a little alert on our phones that there's a snow warning in effect for Whitehorse tonight — 20 centimetres. The rain may have washed a bunch of stuff and now left us ice underneath. Tonight we will get the 20 centimetres, and anybody attempting to cross at that intersection will find it very difficult because the signs are obliterated. The way in which that road is plowed makes it impossible for pedestrians to get across.

I look forward to hearing from the minister how this is being addressed.

Hon. Mr. Mostyn: There is so much to unpack there; there really is. I am really glad to be engaging with my good colleague, the Member for Whitehorse Centre, this afternoon. We always have such great talks.

She alluded to the federal government support to critical air services. I take exception to any suggestion that the federal government doesn't support our critical air services. The federal government has actually come forward in this territory alone — and they have done this throughout the north — with millions for critical air services in the north. They have been very generous. I know that they have done a very good job keeping our aviation industry aloft during an absolutely catastrophic drop in air services. The pandemic has blocked travel, really, so the aviation industry is seeing a catastrophic loss in revenue. The federal government has stepped up and we have stepped up with some money to make sure that Air North, Alkan Air, Tintina Air, our rotary folks, our fixed-wing aviation companies — those services critical to the territory and this way of life — are sustained throughout this pandemic. I really do thank the federal government for that investment — an absolutely critical investment in our essential air services.

I don't even know how you could make the case that they don't support our critical air services. These are certainly specific to the Yukon.

Nav Canada is a federal agency, and I'm sure, just like they're working with federal aviation companies like Air Canada and WestJet, they will be dealing with those in a different manner.

Ad hoc — I think they mentioned ad hoc budgeting. We brought in a five-year capital plan. It had never been done before, so we're not ad hoc — we're actually planning and moving to a five-year horizon with projects put in there. We plan ahead, and we have a whole list of capital projects, and they're planned, they're delineated, and we execute on them. It's a plan that, if something extraordinary comes up, we can adjust.

I take exception, as well, to the suggestion from the member opposite that we were ad hoc. We were anything but that. We brought a level of planning and thoughtfulness to the budget process that, frankly, has not been seen here before.

Another error that a good colleague has made across the way is talking about how dark it is up there. It actually isn't very dark. This last week, I got texts from people saying, "Why are people saying it's dark up here?" The place is illuminated with street lights. We have more street lights up there than we've had before. It's very well-lit with street lights up in the Hillcrest area.

What we are missing is a traffic light. Now, as I said in the House during Question Period and during our discussions, the company from BC — it's a national company based in BC, or it has a BC office — is unwilling, or was unwilling, to come up here because we closed the bubble. They were scheduled to come up, and then the bubble burst on our porous border with BC, and when that happened, the company said that they are not coming and they don't feel safe.

My officials have been working with that company since that scheduled work was abandoned because of safety concerns — we have been working with them, and we'll see. I'm optimistic that we'll be able to get a technician up here to work on those lights and get them operational. The company reacted. We didn't think that it was necessary to totally scotch the whole program. We're working with them, and we will see what happens with those negotiations. They are talking with us, and things are going well.

In the absence of that, we have an alternative crosswalk that we are looking at — the plan is there. We also have additional lane delineation that we are putting up there as well. We are working with our sign shop within the department to make sure that we have signage up there — in the absence of that — and that work has been going on since the contractor pulled out of that scheduled work.

We are working on this. My colleague, the Member for Mountainview, and I know of the concerns of the Hillcrest community. We are working diligently to address the issue of the missing crosswalk, and we will continue to do that. I don't think that it is going to be put off because of the ongoing pandemic. We are working with the company, and I have every confidence that we will be able to convince them to come up when they feel safe.

Ms. Hanson: I thank the minister for that. I do look forward to seeing what alternative approaches he is going to put in place to ensure the safety of pedestrians and bicyclists as they attempt to cross at that intersection.

The minister is responsible, as the Minister of Highways and Public Works, for the operations of ATIPP — *Access to Information and Protection of Privacy Act* — and I suppose that I should ask the minister first, but I won't. I am just going to assume that the minister has, in good conscience, read the annual report of the ATIPP commissioner. I am hoping that he will be able to respond with some ease and alacrity to the questions that I raise with respect to the comments that she made in that report that identify some issues and some concerns about the operations of ATIPP within the Government of

Yukon. Since it is part of the Highways and Public Works mandate, the minister is ultimately responsible and accountable for how it is being done.

If I may, Mr. Deputy Chair, I will just read a couple of excerpts from the commissioner's report that was tabled in this Legislative Assembly.

It is the view of the office of the commissioner that "... the need to involve the records manager at the Yukon government in processing access to information requests is problematic and should be changed. The role of the records manager is set out in the ATIPP Act, and the position, along with the central ATIPP Office, is housed within the Department of Highways and Public Works. The records manager serves as the gatekeeper for access requests. All requests go through that position and are then passed to the public body in question..."

Then she goes on to identify a number of examples where the position, with its intermediary role, led to "... applicants receiving information about their access requests that was inaccurate."

She goes on to say: "The use of a records manager in the access to information process is unique to Yukon. As the Information and Privacy Commissioner has stated numerous times, having the records manager as an intermediary between applicants and public bodies can cause confusion. It can make it difficult to assess which party is responsible for what, and when, especially when steps are missed..." The commissioner has identified and uses case examples throughout her annual report to exemplify the real challenges that citizens have faced and face due to this unfortunate challenge that has been established. She has made some recommendations.

The commissioner pointed out further that: "In discussing the delays in processing access to information requests with one department, we were informed that non-compliance with the timelines in the ATIPP Act is a risk it is willing to carry." That is troubling, but do you know what? The commissioner says that it is not surprising because there are "no real consequences". There is no authority for the Information and Privacy Commissioner "... to require a public body or custodian to respond within a specific timeframe and there are no substantive penalties for failure to respond in time."

Does the minister think that it is in line with this government's commitment to openness, transparency, and accountability that government departments have determined or deemed that they cannot be compliant with the ATIPP act? Is that a risk that he is willing to carry as minister responsible for ATIPP — that non-compliance with the act is okay?

Hon. Mr. Mostyn: Again, we're back to ATIPP. It just recalls our great debate over ATIPP that the member opposite and I had at the time. I'm going to talk about that in a second, but I am going to address another incorrect statement by the member opposite that she sort of shoehorned in on the sly a few minutes ago. I'm going to take issue with it, respectfully.

The Member for Whitehorse Centre mentioned that we had just resurrected the old Yukon Party plan to fix the highway, and I have to take issue with that, Mr. Deputy Chair. The program that we have going is \$10 million in front of Hillcrest and Valleyview to fix identified safety problems there. We

spent \$5 million on the south Klondike Highway; we spent \$5 million on the north Klondike Highway — the total spend so far has been about \$20 million. That's less than one-tenth of the original plan that was proposed by the Yukon Party to widen and expand the highway.

The other difference is that we're actually doing it. We have actually done work up there that was necessary — safety improvements — that should have been done a long time ago, and we have actually identified those needs and done them. It's not the mega-highway that was proposed by previous governments. These are spot safety improvements to the tune so far of \$20 million to fix identified safety problems to make sure that the citizens of Hillcrest and Valleyview are better served and that they can get across and down the highway a lot safer than they did before.

Okay, so, now that that bit of erroneous information has been corrected, I'm also now going to go to ATIPP. Now, the member opposite is referring to the report from the Information and Privacy Commissioner. Of course, she has the report right in front of her. Of course, there were two complaint letters from the office of the Information and Privacy Commissioner given on November 15 and November 20. The issue stemmed from administrative errors by the ATIPP office under the old act, including not forwarding an estimate of cost in a timely manner and misdirecting responses to the wrong individual, which resulted in an applicant receiving their ATIPP request late.

The office of the Information and Privacy Commissioner and the ATIPP office worked together and settled the complaint through the office of the Information and Privacy Commissioner's informal case resolution process in January.

The problem with annual reports is that they are sources of information, but they're grossly out of date, and both those complaints were addressed through working with the office of the Information and Privacy Commissioner and the ATIPP office.

Now, again, I want to just say that those complaints came under the old act. The new act has not yet been proclaimed because the regulations have not yet come before Cabinet. But that is going to happen, and when it does, we will have a brand new and much more robust ATIPP act that the member opposite and I spoke about in this very Chamber not so long ago. This modernized *Access to Information and Protection of Privacy Act* will provide better service and meet the changing needs of Yukoners as the Government of Yukon continues to move toward being a digital government.

I also want to say that, really, I have to put out the public service announcement that all the information that the government holds is the public's information. I have said this before: The approach in the access to information office should be a last resort; you shouldn't go there first. You should approach the department itself and ask for the information you're seeking. In most cases, that department should provide that information to you. It's only in the case where a department or an official refuses to provide that information that you start to go to the information and privacy office.

The whole culture is one of provision of information, not restriction of information. The Access to Information and

Protection of Privacy office should be an office of last resort, not first contact. So, the new legislation that we brought in improves the existing act by enhancing client-focused services to Yukoners while protecting their privacy. It ensures that personal information held by public bodies is well-protected, and it makes government more transparent and accountable to the public.

We also have an incredibly robust training program that we're going to institute across the Yukon government to make sure that errors such as the one that was reflected in the office of the Information and Privacy Commissioner's annual report are addressed so that they don't happen.

Under the old structure, we have had problems, and I am sure that, as the new structure comes into play, there will be problems too, but we will work with the Information and Privacy Commissioner. I have met with her. We will continue to talk through our differences and work to make sure that we provide more information more quickly to the citizens of the territory, because the information that this government holds is their information. We also want to make sure that we do a very good job of protecting their privacy. That too is the second component of that act, and that is another very vitally important part of our information and privacy rules and legislation.

Ms. Hanson: Unfortunately, the minister did not answer my question. He did explain that, until the new legislation comes into effect, we are still operating under the existing act. That is not new. We have a number of pieces of legislation that we have debated in this Legislative Assembly over the last four years, and we are still operating under the old legislation until the act comes into effect and regulations are done. I don't know how long it takes, but it seems to take a very long time for regulations to get done by the government.

Be that as it may, I did ask the minister if he agreed with the finding of the Information and Privacy Commissioner, as reported in her report, where she said: "We were informed that non-compliance..." — because this was "discussing the delays in processing access to information requests". They were informed that "... non-compliance with the timelines in the ATIPP Act..." — the current act. They haven't gotten trained yet; fine. Is this what the minister says is okay? I want to know the culture that he promotes. Does he support this? If not, then what action is he taking to ensure that it's not there? She says: "We were informed that non-compliance with the timelines in the ATIPP Act is a risk..." — that the government — "... is willing to carry." That is my question. He did not answer it. In absence of his answer, he sounds like he is condoning that, which means that we will continue to see confusion and delays and the ATIPP act being used as a barrier to access to information as opposed to a tool to provide that necessary access for the public and public servants.

Hon. Mr. Mostyn: I have to, once again — I'm sorry, but I must take exception to the member opposite's attempt to put words in my mouth and say that I condone what is essentially a breach of an existing law of this government. I don't condone that, and I don't think any of my colleagues on this side of the House would ever condone breaking the law.

To the contrary — and in total opposition to what my colleague in the opposition has said this afternoon — I believe that the information contained in this institution is the public's information. I have said that during our debate, I have said that in private life, and I have said it on the floor of this Legislature many times, including just a few minutes ago.

The information contained and collected by this government is the public's information, except where excepted by the *Access to Information and Protection of Privacy Act*, which means that, if a citizen of the territory comes up and says, "I would like X document/report/piece of information", they should go to the relevant department and ask for that information. I would say that, in most circumstances, that information should be provided to that citizen — except in extraordinary cases, as defined by the *Access to Information and Protection of Privacy Act*.

We are currently in a transition phase between an old act — which the member opposite and I believe is woefully lacking — which is one of the reasons why we have brought in the new piece of legislation which is supposed to bring more clarity, a more robust provision of information, and more protection of people's personal information.

So, contrary to what the member opposite has said this afternoon, I do not condone breaches of Yukon law by the department or anybody else. I also am supportive of avoiding the type of mistakes that were made in 2019, as outlined in the office of the Information and Privacy Commissioner's annual report. That's one of the reasons why one of my earlier actions in this role was to start drafting a new piece of access to information and protection of privacy law. It's why I'm insisting — or have asked the department to make sure — that the training that we provide our civil servants in this new law is robust and complete.

The new law is much more modern. It is much more robust and, I believe, is clearer and is a law for this time. When we have so many new assaults on our privacy, it does a very good job of protecting people's privacy, and it also reinforces the tenet that the information that this government collects and generates is the people's data — except in specific cases, as defined by the *Access to Information and Protection of Privacy Act*.

So, to answer the member opposite's question for a second time, I do not condone breaches of Yukon law, and I believe that my statements, in both cases, have said that I support better training and avoiding the type of mistakes that happened in this case — which, by the way, were fixed through the work of the department through a process with the office of the Information and Privacy Commissioner. I'm very glad that they were able to sort out that error that was done by the two departments that resulted in the complaints.

Ms. Hanson: I think that the minister finds it too easy to focus on the case examples being used by the Information and Privacy Commissioner in her annual report. In fact, what she has identified in her report are systemic issues — whether or not it's using a case example, or several, to talk about the delays or to talk about refusals to provide information or the issues around records management and improper searches. We have

one department saying, "No, no, no, it's not us" — and then finding out that, really, it is them. It's like she has identified — by using case examples. I think the minister does a disservice to the Information and Privacy Commissioner by trying to dismiss this as: We solved that one and it's not a problem. In fact, if he would respect the fact that the commissioner is attempting to assist both the minister and the Members of the Legislative Assembly and the public — and understand the range of issues and options for resolution —

The minister has said that he — and I'm happy to hear that he supports and endorses additional training. I'm curious to know the role of Highways and Public Works in terms of its role with respect to records management and what direction has been given to creating some modern and uniform records management systems that include everything from the text messages and e-mails of members of Cabinet to other data. One of the systemic issues that the Information and Privacy Commissioner found was that — so often the failure of the ATIPP searches was that they relied upon the memory of individuals in departments. Anybody who has worked in government for any length of time knows what happens when you have records management systems that rely on one person. So, you need a systemic approach. What kinds of efforts have been made in the last while? What's the cost of modernizing our records management system in Yukon?

Hon. Mr. Mostyn: Far from disrespecting the office of the Information and Privacy Commissioner, I have a great deal of respect for that office and the individual and the recommendations coming out of her office. As a matter of fact, we have worked very closely with that office in the drafting of a new law and in the application of the regulations. We have sat down with the individual and we have worked with that office to make sure that we have a very robust act that, for the most part, meets a lot of her concerns.

On the other question on records management, that is a huge topic. As somebody who has worked in the trenches of the civil service and worked with the absolutely archaic systems that we have for document management, the frustration is real. That is an item that this government is going to have to tackle in the future, because relying on people's memories about which filing cabinet such-and-such document is contained or in which report or which version of which report is absolutely frustrating work.

This government, as an institution, is going to have to do a better job. It is work that we have been doing since day one here. There is more work to do, absolutely. We are chipping away at it, and this new piece of legislation is one way in which we're doing it. This new piece of legislation is going to enable e-services and other refinements to the way the government handles information that were hitherto not possible because of the nature of the old act and how it failed to address many of these concerns.

I have, once again, enjoyed my conversation on information with the member opposite. I lament the fact that her initial optimism may have been whittled away during the course of the last hour, but seeing the time, Mr. Deputy Chair, I move that you report progress.

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

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

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

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. 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. on Monday.

The House adjourned at 5:28 p.m.

The following legislative returns were tabled December 4, 2019:

34-3-49

Response to matter outstanding from discussion with Mr. Hassard related to general debate on Vote 55, Highways and Public Works, in Bill No. 205, *Second Appropriation Act 2020-21* — regional economic development exceptions (Mostyn)

34-3-50

Response to oral question from Mr. Hassard re: Semi-automatic AR-10 rifles purchase (Frost)

34-3-51

Response to matter outstanding from discussion with Mr. Istchenko related to general debate on Vote 52, Environment, in Bill No. 205, *Second Appropriation Act 2020-21* — bison harvest (Frost)

34-3-52

Response to matter outstanding from discussion with Ms. White related to general debate on Vote 52, Environment, in Bill No. 205, *Second Appropriation Act 2020-21* — water strategy (Frost)

The following document was filed December 4, 2020:

34-3-39

State of Emergency Extension, letter re (dated November 24, 2020) from Peter Johnston, Grand Chief, Council of Yukon First Nations, to Hon. John Streicker, Minister of Community Services (Streicker)