



# Yukon Legislative Assembly

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Number 116

1<sup>st</sup> Session

35<sup>th</sup> Legislature

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## HANSARD

**Monday, March 27, 2023 — 1:00 p.m.**

Speaker: The Honourable Jeremy Harper

# YUKON LEGISLATIVE ASSEMBLY

## 2023 Spring Sitting

**SPEAKER** — Hon. Jeremy Harper, MLA, Mayo-Tatchun  
**DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE** — Annie Blake, MLA, Vuntut Gwitchin  
**DEPUTY CHAIR OF COMMITTEE OF THE WHOLE** — Emily Tredger, MLA, Whitehorse Centre

### CABINET MINISTERS

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

### OFFICIAL OPPOSITION

#### Yukon Party

Currie Dixon	Leader of the Official Opposition Copperbelt North	Scott Kent	Official Opposition House Leader Copperbelt South
Brad Cathers	Lake Laberge	Patti McLeod	Watson Lake
Yvonne Clarke	Porter Creek Centre	Geraldine Van Bibber	Porter Creek North
Wade Istchenko	Kluane	Stacey Hassard	Pelly-Nisutlin

### THIRD PARTY

#### New Democratic Party

Kate White	Leader of the Third Party Takhini-Kopper King
Emily Tredger	Third Party House Leader Whitehorse Centre
Annie Blake	Vuntut Gwitchin

### LEGISLATIVE STAFF

Clerk of the Assembly	Dan Cable
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Karina Watson
Deputy Sergeant-at-Arms	Joseph Mewett
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Monday, March 27, 2023 — 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. Pillai:** I would ask my colleagues in the Legislative Assembly today to give a very warm welcome to some very distinguished guests whom we have visiting with us today on their first official visit to the Yukon: the head of the Scottish government office in Canada, John Devine, as well as deputy head Kerry Dickson and Scottish affairs officer Sabryna Lemieux. Please give them a warm welcome.

*Applause*

**Hon. Ms. McLean:** I would ask my colleagues to please help me welcome some guests here today for the tribute and for World Theatre Day: Kris Bruneau, who is a teacher/leader at the Wood Street Centre; Mary Sloan, who was very much involved in the creation of the MAD program and who is joined by her partner, Dave Sloan, former MLA and supporter of the MAD program, and Dale Cooper, MAD dance teacher. Welcome.

*Applause*

**Hon. Mr. Streicker:** Mr. Speaker, we also have a tribute today for the seed library. We have a few folks here. If we could please welcome Anna Pearson, our manager of the EMR library, Taryn Parker, who is our research client services librarian — of course, we love librarians — and Randy Lamb, our agrologist from the Agriculture branch. Welcome them all, please.

*Applause*

**Mr. Cathers:** I would like to ask members to join me in welcoming Melanie Brais to the gallery today.

*Applause*

## TRIBUTES

### In recognition of World Theatre Day and music, art, and drama program

**Hon. Ms. McLean:** I rise today on behalf of our Yukon Liberal government to pay tribute to the music, art, and drama program fondly known as the “MAD program” on World Theatre Day. I know that many of the students would have liked to have been here today, but, unfortunately, they are in technical rehearsals for the upcoming show *Puffs*.

MAD is a highly successful experiential learning program, which currently resides at the Wood Street Centre. The goal of the MAD secondary school program is to provide students with a solid foundation in creative drama, acting, stage craft, music, dance, and playwriting fundamentals. The students who participate in the program can also receive credits for English, social studies, and physical education classes.

Engaging in the arts, like theatre, is an exceptional way for people of all ages to develop vital social skills and relationships, understand their emotions, thought processes, and reactions, and explore ways to communicate and connect with the world around them. Theatre is not about stealing the spotlight; it’s about building self confidence, teamwork, and putting yourself out there, problem-solving and exploring new ideas, dedicating time and effort to understanding the perspectives of others, and so much more. The soft and hard skills that Yukon students gain through the MAD program holistically support their development and for them to be engaging, connected members and leaders of their communities.

With experiential learning in theatre, film, and more, the MAD students perform a number of shows each year. Each performance is an opportunity to learn, grow, and challenge one’s limits.

My sincere appreciation to the MAD teachers, Carolyn Westberg and Dave Canary, for their exceptional and unwavering dedication to supporting and empowering their students, finding creative ways to fan the flames of each student’s journey in autonomy, creative self-expression, and connection with the world around them.

Finally, in good theatre style, I am hoping that the MAD students break a leg with their upcoming opening night and production of *Puffs*, which starts on March 31. So, if you don’t have tickets, please get them. Again, congratulations on a new production and a huge bravo to all involved.

*Applause*

**Ms. Van Bibber:** I rise on behalf of the Yukon Party Official Opposition to pay tribute to our incredibly talented Yukon theatre community on World Theatre Day. There are a number of theatre collectives new and old that put on amazing performances year-round for all to enjoy.

Yukon Theatre for Young People has more than 80 Yukon youth involved in the production of *Beauty and the Beast*, coming to the Yukon Arts Centre in June. This organization provides young people with the opportunity to perform, to grow as leaders, and to develop countless life skills through the art of theatre performance.

In 2024, they are looking to launch a Yukon-wide theatre festival, in partnership with the Yukon Arts Centre. Larrikin Entertainment just staged the fantastic new musical *Wyrld* at the Yukon Arts Centre, and it is currently in Dawson City, then on to Haines Junction and Victoria.

The Yukon Circus Society staged their original production of *Dogtown* last fall and have had rave reviews from attendees.

Ramshackle Theatre produces a magical and in-demand event every year with their Theatre in the Bush. Open Pit is

currently in production for an intriguing new work called *Look Up!*. The Guild provides many professional theatre performances for their high-calibre amateur actors throughout the year, including their upcoming production *Ripcord*.

Gwaandak Theatre and Nakai Theatre have delivered fantastic programs, festivals, and productions that provide Yukoners an opportunity to develop their work, grow in the industry, and showcase their art with professional support. Gwaandak's recent *The Crows* has toured Yukon schools and communities and told important stories to young people.

Nakai's most recent Pivot Theatre Festival involved more than 30 local artists and boasted almost 800 attendees, demonstrating that the need for live performance experiences is alive and well.

*Puffs* is the new production by the music, art, and drama program at Wood Street School opening this week, and I understand that there are some excited classrooms of students heading over to see and experience this event.

Theatre is one of the Yukon's key cultural industries and contributes to our economy, our cultural fabric, and our quality of life. I am sure that there are many productions throughout the Yukon that I have not mentioned, but we wish them well. Kudos to all who are involved with theatre. I personally know that it is a labour of love and also know that, if the acting bug has caught you, it will continue through your life.

*Applause*

**Ms. White:** I stand on behalf of the Yukon NDP to celebrate World Theatre Day. From my introduction to the stage as a wayward dancing bustle and cinderfella as a child to being fully immersed in all aspects of theatre as a teenager through the MAD program, I count myself lucky, as theatre has played an important role in my life and in shaping me into the adult that I am. From the stage to behind the scenes to the audience, theatre has a way of bringing people together. The very act of entering a performance area says that you are ready to suspend disbelief and be carried away. The audience is transported into a story that challenges the way we think about the world. It is a medium where no topic is taboo, where we can be brought to the heights of celebration or guided to the depths of despair. Theatre lets us feel our feelings in a real way.

Theatre has a way of sticking with you. Sometimes it will be days, weeks, or even years later that something you saw or performed comes back to remind you of a moment. I know this to be true because, since attending the world premiere of *Wyrld*, I haven't stopped humming my new favourite feminist anthem.

So, from a marketplace in ancient Athens to the performance spaces around the world and here in the Yukon, I am thrilled to see that theatre is alive and well.

Today we celebrate the stories and storytellers and all those who bring the theatre to life.

*Applause*

### **In recognition of the Energy, Mines and Resources seed library**

**Hon. Mr. Streicker:** Last week was the start of spring. You can tell because the days are getting longer and because

the nice, white snowbanks are now a dull, dirty grey-brown with exposed gravel. You can also tell that it's spring as many Yukoners are starting their indoor seedlings.

Today I rise to pay tribute to the Energy, Mines and Resources seed library and the amazing folks who run it. The seed library helps nurture a thriving community of local gardeners and growers by offering free seeds to all Yukoners. Since 2015, the library has supported gardeners, from beginner to expert, through the process of growing, harvesting, and seed-saving.

This initiative falls in line with other seed libraries found throughout North America, like Canada's Seeds of Diversity seed bank. Gardening and growing food in the Yukon can be challenging due to our cold climate and intense growing season.

This is why the library offers more than 50 varieties of locally grown and open-pollinated vegetable, flower, grain, and herb seeds. There are seeds for growing pumpkins, spinach, and radishes; from bok choy to cucumber, from kohlrabi to purple-top turnips, from arugula to Zamboni raab, you can get it all at the seed library.

Gardeners, like members of the Whitehorse Downtown Urban Gardeners Society, can pick up some hardy, Yukon-grown seeds. Every year, the Energy, Mines and Resources library hands out around 1,500 packets of seeds to Yukoners. Locally raised seeds tend to be more resilient and better adapted to our soil. This initiative is an important way of supporting local food security and stewardship of our region's biodiversity. Yukoners who borrow seeds from the library are encouraged to donate their own seeds back at the end of the growing season. This expands the seed library's offerings and increases the Yukon's biodiversity.

Libraries are all about learning and sharing resources. This is why, on top of offering seeds, the Energy, Mines and Resources library offers books, magazines, and programming to support growing and saving seeds. Plus, every summer, the library partners with the Agriculture branch to host talks and workshops to share expert advice to green thumbs across the Yukon on how best to tend their gardens. This helps develop a local knowledge base and empowers community members to make the best use of their seeds.

If you are interested in the seed library, check out its available list of seeds online at [yukon.ca/seeds-library](http://yukon.ca/seeds-library). You can also pop by the Energy, Mines and Resources library on the third floor of the Elijah Smith Building in Whitehorse. We encourage all Yukon gardeners to take advantage of this wonderful resource, and we wish all a successful and bountiful growing season.

Mr. Speaker, "seeds" the day.

*Applause*

**Mr. Cathers:** Mr. Speaker, I rise on behalf of the Yukon Party Official Opposition to pay tribute to the Energy, Mines and Resources seed library. The seed library contains more than 60 varieties of seeds, from vegetable seeds to locally grown flower, herb, and grain seeds. It provides an opportunity for Yukon gardeners to borrow seeds from the library, grow the seeds in their garden, and hopefully save seeds from their own

harvest to give back to the library. A donation of seeds back to the library replenishes the collection, creating a self-sufficient library, and carries forward the use of strains of seeds well-adapted to our northern growing conditions.

This is a great opportunity for people to enjoy gardening and also a great way to introduce some hardy, local plants into your garden, to grow for future seed savings, and to try to grow something new.

The seed library is an innovative part of addressing food security issues, helping Yukoners get interested in gardening, and growing your own healthy, nutritious food at home. So, thank you to the Energy, Mines and Resources staff who have continued to maintain and grow this library of seeds and to all the gardeners who use it and help keep it replenished with new seeds year after year for others to enjoy and grow and feed their families.

*Applause*

**Ms. Tredger:** I rise on behalf of the Yukon NDP to pay tribute to the Yukon's seed library. We are so proud to have such a vibrant seed library in our territory. We are proud of the community of people at Energy, Mines and Resources and beyond who are committed to local agriculture and the preservation of genetic diversity in our food system.

Here are some things that I have learned about our seed library. It is open to absolutely everyone. Anyone can borrow seeds, take them home to plant, and harvest the seeds from the plants that grow and return them to the library. The locally grown seed list includes everything from prairie crocuses to shelling peas. Because the library is stocked with seeds from plants that have already flourished in the Yukon, each year, the plants get better adapted for Yukon growing conditions. What a wonderful resource for the Yukon. I know that I will be spreading the word to all the gardeners in my life.

Thank you to all the people keeping the seed library going, from the seed librarians to the gardeners who replenish it every year. Congratulations and thank you.

*Applause*

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

### TABLING RETURNS AND DOCUMENTS

**Hon. Ms. McLean:** I have for tabling a legislative return related to general debate earlier in this session in Committee of the Whole. Further, I have a letter to MLA White for tabling.

**Hon. Mr. Streicker:** I have for tabling today Scotland's Arctic policy framework, entitled *Arctic Connections*.

**Speaker:** Are there any reports of committees?

### REPORTS OF COMMITTEES

**Hon. Mr. Clarke:** I have for tabling the seventh report of the Standing Committee on Appointments to Major Government Boards and Committees.

**Speaker:** Are there any further committee reports to be presented?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

### NOTICES OF MOTIONS

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

THAT this House urges the Government of Canada to cancel the planned April 1, 2023 tax increase on beer, wine, and spirits.

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

THAT this House urges the Government of Yukon to work with the business community to develop programs to mitigate the impact of significant increases to the minimum wage including:

(1) a small business minimum-wage adjustment program; and

(2) a minimum-wage scale that can change based on age or job type.

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

THAT this House urges the Liberal government to cancel the planned April 1, 2023 tax increase to the carbon tax.

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

THAT this House urges the Government of Canada to stop charging GST on the carbon tax.

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

THAT this House urges the Government of Yukon to review the funding model for emergency medical services in the territory.

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

THAT this House urges the Government of Yukon to protect the Porcupine caribou herd by supporting the Vuntut Gwitchin Government in opposing the Willow oil project.

**Speaker:** Is there a statement by a minister?

### MINISTERIAL STATEMENT

#### Watson Lake Community Hospital long-term care rooms

**Hon. Ms. McPhee:** I rise today to inform Yukoners and this House about long-term care rooms at the Watson Lake Community Hospital. In November 2022, our government and the Yukon Hospital Corporation announced that two long-term care rooms would be established at the Watson Lake Community Hospital.

This joint initiative allows for an integrated approach to the delivery of health care services and helps residents who require intermediate or extended care to remain in, or closer to, their

community. We are excited to advance this initiative because it aligns with the recommendations in *Putting People First* regarding integrated and person-centred care.

It also supports the *Aging in Place Action Plan* by expanding and supporting a home first approach throughout the Yukon's primary care and hospital system. Essentially, "home first" means that the individual, family, and entire care team work to help people stay in their homes instead of moving into long-term care too soon. This philosophy is a major theme in the *Aging in Place Action Plan*.

While the overall continuing care program will be run by Health and Social Services, day-to-day operations of these rooms will be provided by staff at the Watson Lake Community Hospital.

We are proud to be investing more than \$600,000 to support the initiative, including additional staffing for the two rooms in the Watson Lake Community Hospital. The rooms will be staffed by full-time, licensed practical nurses and provide continuous support 24 hours a day, seven days a week. I am excited to share that we have already hired two licensed practical nurses for this initiative. We are committed to working with First Nations and all stakeholders to provide a culturally safe and welcoming environment before these rooms open. We will ask elders and seniors how we can make the living spaces feel like home and support a culturally safe environment.

Members of the department will be travelling to Watson Lake this week for information-gathering sessions. Staff will meet with the Daylu Dena Council, the Liard First Nation, and Signpost Seniors during their visit. In addition, an online survey will be available for Watson Lake area residents to share their thoughts. We have earmarked \$30,000 for the furnishings and overall set-up of the rooms. The choice of décor and set-up will be based on the community feedback we receive to ensure that they are welcoming and culturally safe places for residents and their families.

We are committed to supporting Yukoners to remain in their home communities while accessing quality health care and look forward to the initial occupancy of the Watson Lake long-term care rooms as part of this work.

**Ms. McLeod:** Mr. Speaker, here again we have a case of the Liberal government making a decision and then doing a consultation. The establishment of long-term care beds in Watson Lake joins many other announcements in this category.

I would like to remind the minister that I hosted a consultation just last year with Watson Lake residents about a long-term care facility in the community, and Watson Lake residents were clear: Seniors in town want to be in the lead and supported by their government. The community said that residents are looking for their own long-term care facility, not repurposing two usable beds in the hospital for long-term care like the government announced last November.

Again, this Liberal government is not listening to the community. Most importantly, the government is not listening to Watson Lake seniors and families. Just a recap of what happened — the minister announced two beds for extended care, and then nothing happened. Now the government will do

a consultation in the community this week. The community has been asking the Minister of Health and Social Services to show up in the community to talk about long-term care for years.

I tabled the 500-signature petition from Watson Lake residents in the Yukon Legislative Assembly in November 2021, asking her to visit the community, but this visit has yet to happen. Again, a reminder for the minister that Watson Lake is the third largest community in the Yukon behind Whitehorse and Dawson City, and Dawson has a separate long-term care facility.

While we look forward to this consultation with Watson Lakers, we already know what the results of the consultation will be. Residents in Watson Lake want a new, separate long-term care facility and want the government to listen.

**Ms. Blake:** I am grateful for the opportunity to respond to this ministerial statement on the two long-term care beds becoming available in Watson Lake. When I first heard that the minister would be speaking about this, I was excited, but it's disappointing to hear that this statement is being made about just two long-term care rooms and not a larger investment in seniors care.

The Yukon's aging population is rapidly growing, and this is far from enough support. Real investments in aging in place benefit everyone. They allow seniors and elders to be able to continue in their community while staying connected to their family, lands, home, language, culture, and all that is familiar to them. For seniors and elders in Watson Lake, what is the scope of home care services offered before they have to look at living options beyond their homes? How many workers offer home care services right now in Watson Lake? What funding and resources are offered to seniors and elders who want to retrofit their homes to make them more accessible so that they can live there for longer? When exactly will these two rooms be open for folks in Watson Lake? Is there just one bed in each room?

I remain concerned about the effective allocation of resources. The minister stated that two LPNs will be working to support both rooms and will be available 24/7, seven days a week. If Watson Lake had two LPNs providing home care support in the community, visiting the homes of seniors and elders and allowing them to age in place for longer, many more residents would benefit.

As our aging population grows across the territory, how is the government working with communities, like Ross River, Beaver Creek, Carcross, and Teslin, to understand their vision in terms of immediate and long-term supports for seniors and elders in their respective communities?

This government, with its \$50-million surplus just a few months ago, could invest the same funds and staffing into preventive health through home care and retrofits in so many Yukon communities. While I am glad to hear about the expansion of long-term care services in Watson Lake, we remain very concerned about the lack of home care and seniors support in the communities.

Weekly, I hear from folks in the communities who have no options for home care and have no respite when they take on

caregiving for aging family members full time. When we look at seniors supports in Whitehorse, we see this government selling off a critical public long-term care home lot to make profit. The babyboom generation is aging; everyone has known this for decades. It is not a surprise that more seniors in communities and in Whitehorse need support. Instead of making meaningful investments in preventive and public senior care, this government is making small improvements here and there. It is simply not enough and not fast enough.

Much more needs to be done to support seniors and elders if this government truly believes in investing in aging in place.

**Hon. Ms. McPhee:** I think it is important for Yukoners to remember, with respect to the comments presented today, that the Yukon Party's plan was to have all long-term care residents live in Whitehorse in Whistle Bend. There was no community plan presented by them.

We continue implementing the recommendations of *Putting People First*. Our government is transforming our health and social services system to better meet the needs of all Yukoners. We know that improving access to health care services and supports for all Yukoners is at the heart of ensuring that everyone is cared for and able to thrive.

These two long-term care rooms will support Yukoners to age closer to home in comforting and culturally appropriate spaces. The spaces will support intermediate and extended care.

They will have moderate assistance with activities of daily living. There will be monitoring and professional care throughout the day. The rooms will be open following full staff recruitment and after community input is gathered about the furnishings and the appropriate programming that will be in place.

While I am very pleased to have already hired two licensed practical nurses for this initiative, it is crucial that we hire an overall total of 4.5 full-time-equivalent licensed practical nurses to provide the 24/7 staffing support. This will ensure staff programming operations.

It is important that our government open these rooms in the right and the safe way. A fair and public engagement takes time — a thorough, practical engagement, which is happening as we proceed this week. The engagement — to be clear — is about the cultural surroundings, the furnishings of the rooms, and programming that should take place. It's not about the existence of these rooms, which are important to this community.

Involving communities in the planning of health and social programs is one way to continue to foster community wellness and ensure that communities' needs are met in the long term and that they are supportive of the programming design. You will find this in *Putting People First*.

The online survey to gather public feedback will be accessible via the QR codes that are on posters found throughout the community, as well as in social media. We will work with our partners at Watson Lake to ensure that it is shared widely.

I would like to take note that there has been more investment in Watson Lake under our Liberal government than

ever before. This is because, Mr. Speaker, all communities matter.

Earlier this month, we announced an agreement that we signed with Liard First Nation that will see the development of 43 new residential lots on Frances Avenue in Watson Lake. We saw a request for proposals run this month on the government's Bids and Tenders website to build a 10-unit Housing First project in Watson Lake. Our government opened a new, modern municipal services building in Watson Lake that houses essential services, as well as fire response personnel and their equipment.

Last June, Premier Pillai was in Watson Lake to join —

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

### Point of order

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

**Mr. Cathers:** It is out of order to refer to a member by their name, as the Minister of Health and Social Services just did. I would ask you to remind her of that fact.

**Speaker:** The Minister of Health and Social Services, on the point of order.

**Hon. Ms. McPhee:** My apologies; I should have just said "the Premier".

### Speaker's statement

**Speaker:** I just want to remind members that when you are referring to other members, please refer to the members by their titles.

**Hon. Ms. McPhee:** Last June, the Premier was in Watson Lake to join the Chief of the Liard First Nation and the mayor at the grand opening of a new affordable triplex housing development. We also installed new street lighting on the Robert Campbell Highway to improve pedestrian crossings in Watson Lake in response to the community citizens' requests to improve safety. We have continued to work with the community of Watson Lake. We will continue to assess the use of how to best respond to Yukoner seniors and their wishes. Our government continues to transform services here in the territory. I am proud of this work.

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

### QUESTION PERIOD

#### Question re: Yukon First Nation procurement policy

**Mr. Hassard:** Earlier this month, the Yukon Supreme Court delivered a ruling that called into question the Yukon First Nation business registry and the process by which a First Nation business can verify their eligibility under the First Nation procurement policy. So, in speaking about the registry last year, the Minister of Highways and Public Works said this: "The registry plays an essential role in administering the policy tools." He also said: "It is also the foundation of bid value reductions."

So, my question for the minister is very simple: Does a business need to be listed under the Yukon First Nation

business registry in order for the Yukon government to apply bid value reductions to their bids?

**Hon. Mr. Clarke:** As the member opposite indicated, there is a judicial review underway about aspects of the Yukon First Nation procurement policy and the Yukon First Nation business registry. Following a hearing at the Yukon Supreme Court on February 9, 2023, an initial decision was issued on March 8, 2023, which is currently under review by the Yukon government. However, more information has been requested by the court and, as such, we cannot currently comment further on the matter at this time. The Yukon government continues to work with Yukon First Nation partners and industry and is reviewing its policy to see what improvements and changes should be made.

**Mr. Hassard:** So, the decision of the Supreme Court on March 8 has caused considerable confusion about pretty much all of Yukon government procurement. On the one hand, we have the Minister of Highways and Public Works who said, on March 28, that businesses must be listed on the Yukon First Nation business registry in order for the Yukon government to apply a bid value reduction on their bids, but in the court case, the Yukon government lawyer has argued just the opposite. Here is what the judge said — quote: “That takes me to Yukon’s counsel’s position that in fact being on Registry is not a prerequisite of qualifying under the Policy.”

Again, Mr. Speaker, who is right? Does a business need to be on the registry in order to qualify for the bid value reductions under the First Nation procurement policy or not?

**Hon. Mr. Clarke:** As I indicated in my previous response, this matter is still before the courts, and I will not be commenting further on that matter until it is resolved. However, with Yukon First Nation industry representatives, we co-developed the terms of reference for the Monitor and Review Committee. This committee has representatives from First Nations, industry, and government and is responsible for monitoring outcomes of the policy and providing recommendations to the Yukon government for interventions or continuous improvement.

This committee meets on a monthly basis and they recently released their first annual report on March 15. This report provides over one year’s worth of data on the outcomes of the policy and is available online on [yukon.ca/growing-together](http://yukon.ca/growing-together). Some of the highlights include: 6.2 percent of 7,238 contracts that were awarded went to Yukon First Nation businesses; 7.8 percent of contracts as measured by dollar value were awarded to Yukon First Nation businesses; 17 tenders were re-ranked due to the application of bid value reduction, and the total value of the contracts awarded was approximately \$48 million.

Members opposite and Yukoners will know that the overall objective of the Yukon First Nation procurement policy is that both the number of contracts and the value of the bids be at approximately 15 percent of all contracts, so there is still work to be done, but certainly —

**Speaker:** Order, please.

**Mr. Hassard:** I am not sure what progress the minister is talking about, but hopefully in the next response, he can provide that to us.

He called the registry the “foundation of bid value reductions” and “essential to administering the policy”. Those were his words, and now this recent Supreme Court decision has found a massive discrepancy with the registry and called into question its entire purpose. I think it’s incumbent on the minister to provide a clear answer for Yukon businesses and all Yukoners.

Does a business need to be listed on the registry in order to qualify for the bid value reductions or not?

**Hon. Mr. Clarke:** We certainly do look forward to the Supreme Court proceedings being resolved and receiving guidance if that is, in fact, the case, but I will not be commenting further on that.

Over 100 Yukon First Nation businesses have gone through the verification process and are listed on the registry. The Yukon First Nation Chamber of Commerce is the registrar of the registry. The registrar assists Yukon First Nation businesses with the application process and performs the business verifications. The Monitor and Review Committee monitors and assesses the progress of the Yukon First Nation procurement policy in achieving its objectives and provides recommendations to the Government of Yukon.

As we learn more about this policy through implementation, we will continue to review the business definition and verification process with our First Nation partners and the Monitor and Review Committee to ensure that we are meeting the intent of the policy.

Over the past year, the Yukon government has received feedback from industry and our Yukon First Nation partners on the “Yukon First Nation business” definition. This feedback focused on ensuring that Yukon First Nation businesses were being properly designated and that the definition of a “Yukon First Nation business” aligned with the intent of the policy. After discussions with our First Nation partners, the Yukon government updated the “Yukon First Nation business” definition in February 2022.

We will continue to work with this policy to ensure that it meets the objectives that —

**Speaker:** Order, please.

#### **Question re: Yukon First Nation procurement policy**

**Mr. Dixon:** On March 8, the Supreme Court of Yukon made this decision. Now the minister has said that he won’t be commenting, but that is simply an untenable position given the fact that, since that decision came down, the government has released tenders, awarded contracts, and people in the private sector have placed bids with language in their tender documents that suggests that one must be on the business registry in order to qualify for the bid value reductions.

So, Mr. Speaker, the question for the minister is simple: Does a business need to be on the registry in order to qualify for bid value reductions? These are tenders that were put out



this week and last week and will need to be awarded here in the next few weeks, so this answer is very important.

**Hon. Mr. Clarke:** We have heard the concerns from industry representatives about the use of bid value reductions. The Monitor and Review Committee is provided with monthly reporting on the impact of bid value reductions. The committee is also involved in the upcoming review of the bid value reduction component, which will take place this spring and summer.

Mr. Speaker, an independent contractor will conduct the review. An invitational tender for this contract was prepared in collaboration with the Monitor and Review Committee. The tender has closed, and submissions are currently under review. We anticipate the review to be complete by the end of June 2023. The Monitor and Review Committee will help to ensure that the views of First Nations, the Government of Yukon, and industry are captured as part of this review. This review will result in recommendations to improve the bid value reduction component of this policy. The government will work with its Yukon First Nation partners if adjustments to the bid value reduction parameters become necessary. Bid value reductions are an important way to meet Yukon First Nation procurement policy's objectives. Mr. Speaker, they allow benefits to flow to the entire Yukon community, which is a win for all businesses in the territory.

**Mr. Dixon:** So, I appreciate the minister reading his notes here, but this is a question that matters very much to those who are going to be placing bids, perhaps later today — there is at least one tender that closes today that says, in the tender documents, that one must be a member of the business registry in order to qualify for the bid value reductions.

So, my question for the minister is simple: Does a business bidding on a tender that closes today need to be on the business registry in order to qualify for the bid value reductions?

**Hon. Mr. Clarke:** As I have indicated a few times, I will not be commenting on the matters that are before the court. The Yukon First Nation procurement policy is providing opportunities for Yukon First Nation peoples and businesses to be active partners in the economy. Through this policy, the Yukon government is committed to: providing Yukon First Nation businesses with increased opportunities to participate in the Yukon's economy; ensuring that procurement processes are done in accordance with Yukon First Nation final agreements; and advancing reconciliation, renewing the relationships with Yukon First Nations, and respecting treaty and aboriginal rights.

The Yukon government listened to the public with a phased approach to the implementation of this important policy to ensure that Yukon businesses, Yukon First Nations, and Yukon government employees had adequate time to prepare for and understand the policy.

Mr. Speaker, an industry working group was established to provide a forum for interested stakeholders to meaningfully engage in the development of tools and processes that the government now uses to implement the policy.

**Mr. Dixon:** So, with all due respect to the minister, this question is not about the court's decision; this question is about

tenders that are open right now. Since the court delivered its decision on March 8, the government has released tenders, it has awarded contracts, and private sector entities have placed bids all under the premise that, in the tender documents, one must be on a business registry in order to qualify for bid value reductions.

The government's own lawyer has said very clearly that one does not need to be on the business registry in order to qualify for bid value reductions. In order for businesses to understand how these tenders are going to be awarded, how these contracts are going to be awarded, and how to place bids, they need to know the answer to this question: Does a business need to be on the business registry in order to have the bid value reductions applied?

**Hon. Mr. Clarke:** As I have indicated, I will not be commenting on the active court proceeding that is before the Yukon Supreme Court. The rules that govern the Yukon First Nation procurement policy that are currently in place will continue. If there is guidance to be provided by the Yukon Supreme Court at some point, we will certainly receive that guidance and review the guidance that is provided.

It is certainly important, and it has always been important, to this government to ensure that appropriate opportunities are provided pursuant to the Yukon First Nation procurement policy and, indeed, to all procurement that this government does.

This last year, we will get in excess of \$500 million of capital spending out the door. In the last year of the former Yukon Party government, they got less than \$200 million of capital spending out the door. We are moving the Yukon forward. We will continue to do so in a fair and transparent manner.

#### **Question re: Chronic disease and disability benefits program**

**Ms. Tredger:** Last week, a Yukon family that was desperate for help reached out to us. Their baby, who was just a few months old, has been diagnosed with a severe allergy. At the advice of their doctor, the family stopped breast feeding and switched to hypoallergenic formula. When the baby's condition worsened, the family was advised by their doctor to use a new formula, which costs about \$900 a month. The parents were clear: They simply cannot afford this, but it is the only formula that will keep their baby fed and healthy. The family reached out to the chronic disease program only to be told that they don't cover any expenses related to allergies, and unlike other places in Canada, the Yukon has no subsidies for expensive baby formulas. This family is in urgent need of support to give their baby the nutrition needed.

Can the minister tell this family where they can get funding for this medically necessary formula?

**Hon. Ms. McPhee:** I won't, as I never have done in the six and a half years that I have been here, comment on a specific case, but I am pleased to commit to find out what options there might be for this particular family, should they contact me. I urge the member opposite to make sure that they do. I will take the opportunity to remind Yukoners that the chronic conditions

support program continues to offer individual and group supports to Yukoners who are managing chronic conditions, with the idea that they can return to a more normal life and that they can make sure that they are managing their chronic conditions as they move forward. The balance and motion exercise program is just one of the many programs that is offered through the chronic conditions support program. This program continues to operate and take in new clients on an ongoing basis. The main goal of the chronic conditions support program is to provide high quality self-management support, while the programs are aimed at building client competency to move forward and to manage their chronic conditions independently.

I look forward to helping to resolve the issue that was brought to the floor today, but I won't comment any further on it.

**Ms. Tredger:** I don't know what a balance and mobility program has to do with a baby who needs infant formula, and this isn't about one case. This affects many families in the Yukon. There are solutions, but this government isn't offering them. I'll quote the father directly here — quote: "It was a bittersweet experience to learn that there are several programs across the country that significantly subsidize formulas for kids with severe allergies; bitter because none exist in the Yukon."

After this government announced a \$50-million surplus just a few months ago, it is cruel to refuse to help a family feed their child. Will the government subsidize the cost of medically necessary formula for this child and create a permanent program to subsidize specialized baby formulas?

**Hon. Ms. McPhee:** I guess that I should be clear that I started to note what the chronic conditions support program is all about because it was mentioned by the member opposite. To be clear, we are not refusing to do anything.

I need to have some details. I would need to determine how we might be able to resolve this issue for the family noted, and I look forward to doing that when I have those details — not here on the floor of the House.

**Ms. Tredger:** The minister has had these details since I wrote her on Thursday, but let's talk about the chronic disease and disability benefits program, because it should support folks with costs like these. Time and time again, Yukoners are denied the coverage they need for their own health care by this program. It doesn't cover the cost of hypoallergenic baby formula. It doesn't cover the cost of an EpiPen for severe allergies. It doesn't cover the cost of a continuous glucose monitor for people living with type 2 diabetes. The list goes on.

This program should help people in crucial moments of their lives, when they discover that they have a lifelong illness or when they can't afford a medication that will keep them healthy or even alive. Instead, we have seen over and over again that this is not the case.

Will the minister review the policies of the chronic disease and disability program and expand what the program covers?

**Hon. Mr. Pillai:** When it comes to our programs, we are constantly monitoring our programs. In cases where there is an opportunity to adapt them to an ongoing situation, we will.

What's important today is to just point out the way this question has been posed. There was an e-mail sent on Thursday. I had a discussion with the Leader of the Third Party, I believe, on Friday. Now we are here on Monday, and it is this doom and gloom that we are not feeding a baby and that we are not supportive of the situation.

It becomes very salacious, but it is not doing anything to help this family. We have been made aware that there is a particular situation for one family where there is a particular allergy. We had 48 hours last week to identify this. Again, we will look to see what's possible within the program. If there are other families — the member opposite said that there are a number of families that this is affecting. If that's factual, then please get the support from those families. Make sure that those families sign off on your ability to take that forward. I want to know if that is factual, so if you are supporting all of those other families, please bring that forward and then we will look into it.

Again, if those are not the facts, you are doing a disservice to this family and it's really for political theatre, and what we really want to do is help families.

#### **Question re: Emergency medical services staffing**

**Ms. White:** Paramedics have been at the front line of the pandemic, the opioid crisis, and so much more for years. Every Yukoner relies on dedicated paramedics in situations of life or death. When we call 911, we expect an ambulance to be on its way in minutes, but that is often not the case.

A "code red" is the term that EMS uses when someone calls 911 for an emergency and nobody is available to be dispatched immediately. It's a situation that no Yukoner ever wants to be in.

Data from a recent access-to-information request shows that a code red happened almost daily between January and October of last year. Almost every day, someone called for help, and there wasn't an ambulance available to respond immediately, and that is just in Whitehorse, Dawson, and Watson Lake. The minister's briefing note suggests that this is even more frequent in smaller communities.

If the minister doesn't think that daily code reds are acceptable, what is being done to reduce them?

**Hon. Mr. Mostyn:** I am happy this afternoon to talk about Yukon Emergency Medical Services. They are doing a tremendous job across the territory, and I am happy to talk about the work they are doing.

Yukon Emergency Medical Services has limited resources at times, and there are situations when incident volume exceeds available resources. This is not a challenge unique to Yukon; it happens with all emergency services locally, nationally, and internationally, Mr. Speaker. EMS manages these situations through a variety of approaches to reduce patient impact and prioritize critical care. EMS recognizes the need for qualified responders and maintains aggressive recruitment and new staff orientation programs.

Emergency Medical Services recruitment strategies have allowed Emergency Medical Services to staff additional units, both air and ground, in Whitehorse to address staffing

challenges and response capacity. Currently, Emergency Medical Services' Whitehorse operations are fully staffed.

**Ms. White:** So, interestingly, I had actually expected the minister responsible for the department to answer.

So, we know that EMS workers are doing everything they can to respond to emergencies; it is this government that is letting them down. The same information request notes that there were 46 code reds in July 2022 alone. So, more than once a day for an entire month, no ambulances were available when someone called 911 for help. Response times were also problematic. In the same month of July, 39 callers had to wait two hours or more for an ambulance crew to be dispatched, one of the wait times for over 15 hours.

So, this is a long time to wait for help. In some cases, the emergency may not be critical, but sometimes this may be the difference between life and death. We know that paramedics are dedicated professionals who do their best to manage a heavy workload in extremely difficult circumstances, but there just aren't enough of them in the territory to service our growing population. The funding levels are outdated and are no longer adequate for the territory.

When was the last time that staffing levels for Yukon EMS were reviewed?

**Hon. Mr. Mostyn:** As the minister responsible for Emergency Medical Services, I am happy to answer these questions this afternoon on behalf of this service, which does actually a tremendous job serving our territory, covering vast distances with a small, dedicated team. I commend the entire service for the good work and dedication to the well-being of our people and communities.

There will be times and situations when incident volume exceeds available resources. This is not a challenge unique to the Yukon. It happens with all emergency services, locally, nationally, and internationally. It happens to them all. EMS manages these situations brilliantly through a variety of approaches to reduce patient impact and prioritize critical care. At times, this may mean that Emergency Medical Services repositions people and ambulances to ensure coverage for the nearest units, utilizes medevacs and other ways to deliver services across one of the largest geographic areas with one of the smallest populations in the country.

EMS maintains an aggressive recruitment and new staff orientation program and is always looking for volunteers and professionals. Emergency Medical Services' recruitment strategies have allowed the services to bolster capacity. They are doing a tremendous job and I'm happy to talk on the third question.

**Ms. White:** I apologize and stand corrected because currently EMS is under Community Services, but as of April 1, it will be under Health and Social Services. I am looking forward.

Not only is this service under-resourced and understaffed, but the Yukon government is not currently an attractive place for paramedics to come and work. For one, the standard practice is to hire casual positions instead of permanent ones. This means no pension, no benefits, and no job security. Not an enticing offer if we want to attract workers. The other problem

is that the pay is far from being competitive. British Columbia just offered a huge raise to its paramedics, whose pay was already higher than their counterparts here in the Yukon. So, now we are lagging way behind, with little chance of attracting new EMS workers from down south.

We know that the honorarium paid to rural EMS volunteers is also not working to attract or retain people, so when is this government going to get serious about improving staffing levels at EMS and offer them a competitive wage?

**Hon. Mr. Mostyn:** I am disappointed, frankly, with the tone from the Leader of the Third Party disparaging the work of our local Emergency Medical Services staff. They are doing a tremendous job of recruiting, training, and keeping the staff engaged and serving Yukoners across the territory in one of the most challenging geographic districts in the country, with one of the lowest populations. It's not easy, and they have been doing it for years and years. They are good at it and are doing a tremendous job on behalf of Yukoners. I take exception to the tone of the Leader of the Third Party disparaging these Yukon civil servants for the work they are doing daily to serve Yukoners —

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

#### Point of order

**Speaker:** Leader of the Third Party, on a point of order.

**Ms. White:** I don't know — I am going to go for 19(g) — disputing — well, he is calling me a liar, really.

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

**Hon. Mr. Streicker:** The word that the minister used was "disparaging". It has nothing to do with it being factual; it is the tone that he was talking about.

#### Speaker's ruling

**Speaker:** There is no point of order. It is a dispute between members.

**Hon. Mr. Mostyn:** Thank you, Mr. Speaker. Yukon Emergency Medical Services does a great job serving our territory, covering vast distances with a small team. I commend the entire service for the good work and dedication to the well-being of our people in communities. EMS maintains an aggressive recruitment and new staff orientation program and is always looking for volunteer and professionals. Emergency Medical Services' recruitment strategies have allowed the services to bolster capacity, and I commend them for that effort. I look forward to serving them, as their minister, for the coming weeks, as long as I possibly can, because it is a great team.

#### Question re: Vaccination clinic rental costs

**Mr. Cathers:** When COVID-19 vaccines became available, the government began wide efforts to get as many people vaccinated as possible. This included renting the large space at what was then the Yukon Convention Centre beside the High Country Inn to set up a mass vaccination clinic. Since then, the High Country Inn has been sold off for a housing

project and there is currently an RFP out for a new convention centre.

So, we would like to inquire about the old convention centre. Originally, the contract to rent it was set to expire on March 31 this year. Can the Minister of Health and Social Services update us on the status of the mass vaccination clinic at the Yukon Convention Centre? Has the lease of that space been extended, and if so, for how long and for how much?

**Hon. Ms. McPhee:** Thank you, Mr. Speaker, and thank you for the question. The vaccine clinic is still available to Yukoners, providing free access to COVID-19 vaccines. It is an incredible opportunity for Yukoners to take care of their health with respect to a COVID pandemic, which is still operating here and throughout the world. Our government is committed to supporting Yukoners and the access to services and to expanding preventive treatments through the implementation of *Putting People First*. I can indicate there was an uptake in the Yukon in 2022 — Yukon health providers administered an estimated 53,075 vaccines.

In 2021, Yukon health providers administered an estimated 106,466 vaccines. Approximately 109,247 COVID-19 vaccines have been administered since January 2021. We will continue to provide this service for Yukoners. I can indicate that the conversations I have had — it is for us to look for a more permanent and smaller space.

**Mr. Cathers:** The Government of Yukon contract registry shows that the contract was extended for the old convention centre space for another year at a cost of \$360,000. Recognizing that COVID boosters are available through several other channels, including pharmacies, the Whitehorse Health Centre, and opportunities at community health centres, we would like the government to explain why they believe that it was necessary to continue to rent the large space at the old convention centre.

Now that mass vaccinations have slowed down, why does the government need to continue to rent the large space at the old convention centre?

**Hon. Ms. McPhee:** I think I just said that conversations are happening about us looking for a smaller and more appropriate space as we go forward.

**Mr. Cathers:** Mr. Speaker, \$360,000 for a year is a fairly large contract. This may have been justifiable during the height of efforts for mass vaccinations for COVID, but now it seems that COVID-19 boosters could be integrated into regular immunization programs offered by the government — or at least offered in a smaller space. Now, the minister indicated that they are considering it, but it looks like they have pushed that out for at least a year by extending this contract.

Many Yukoners have taken note that, despite slowing vaccination efforts, the large space continues to be rented at a large cost, so we would like the minister to provide a better explanation of the justification of the one-year extension of this contract. Why did she extend this contract until April 1, 2024?

**Hon. Ms. McPhee:** I am sure that this might be one of the only times that the member opposite and I have agreed on this concept — or maybe any concept of health care here in the territory. It is a top priority for our government moving

forward, including providing free, accessible vaccines for Yukoners.

As I have indicated twice already, we are looking for appropriate space to continue this opportunity for Yukoners to have access to vaccines. I look forward to that work continuing with the Department of Health and Social Services. We will move forward from there.

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

## ORDERS OF THE DAY

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

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

**Chair (Ms. Blake):** I will now call Committee of the Whole to order. The matter now before the Committee is general debate on Vote 27, French Language Services Directorate, in Bill No. 208, entitled *First Appropriation Act 2023-24*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

### Bill No. 208: *First Appropriation Act 2023-24* — continued

**Chair:** The matter now before the Committee is general debate on Vote 27, French Language Services Directorate, in Bill No. 208, entitled *First Appropriation Act 2023-24*.

#### French Language Services Directorate

**Chair:** Is there any general debate?

**Hon. Mr. Streicker:** First of all, I would welcome Manon Moreau, the Deputy Minister of the French Language Services Directorate, and André Bourcier, the director of the French Language Services Directorate.

I will read my opening remarks in French, but I will make sure to share them with folks. I have shared with folks in the Assembly, and I will share with Hansard.

J'ai le plaisir de vous présenter le budget de la Direction des services en français pour 2023-24.

Nous entamons la quatrième année de notre entente de cinq ans avec le gouvernement du Canada qui vise à assurer l'offre de services en français. Avec cette entente de 28 M\$, nous

pourrons respecter notre engagement et continuer d'améliorer les services en français et mieux servir et informer le public en français. Je tiens à remercier le gouvernement du Canada pour son soutien financier continu.

Nos estimations pour 2023-24 comprennent la contribution du gouvernement fédéral de 5,75 M\$ et notre propre contribution d'un peu plus de 1 M\$.

La Direction des services en français prévoit des dépenses de fonctionnement et d'entretien de 6,805 M\$, soit 50 000 \$ de moins que l'an dernier.

Les dépenses et les recouvrements ont diminué de 50 000 \$ en raison de la conclusion d'une entente de deux ans avec la Société santé en français qui visait à aider la communauté francophone à mener des projets liés à la santé.

Les dépenses de fonctionnement et d'entretien de 6,805 M\$ sont réparties comme suit: 45 pour cent pour financer les activités de la Direction; 45 pour cent pour soutenir les services et l'information en français dans l'ensemble du gouvernement; 10 pour cent pour soutenir des organismes publics et des organismes communautaires francophones au moyen de transferts gouvernementaux.

Sur la somme de 3,071 M\$ consacrée aux activités de la Direction, 2,462 M\$ sont affectés au personnel de la Direction. La Direction a pour mandat d'appuyer les ministères et les organismes publics, de collaborer avec eux et de leur donner les moyens de servir et d'informer le public en français. À cette fin, elle fournit une vaste gamme de services centralisés, notamment : elle donne des conseils aux ministères en matière de politique et d'aménagement linguistiques afin de les aider à offrir des services en français; elle traduit des documents qui ont une incidence dans la vie quotidienne de la population yukonnaise; et elle gère la présence du gouvernement en français sur Internet et dans les médias sociaux; elle donne des formations linguistiques sur mesure et effectue des évaluations linguistiques.

Dans la catégorie « Autre », 609 000 \$ sont consacrés aux dépenses de fonctionnement et d'entretien de la Direction. La Direction a alloué 2,386 M\$ aux ministères pour les postes bilingues et les points de service désignés et 730 000 \$ pour soutenir des initiatives, notamment pour de la publicité et la conception de produits de communication.

Nous investirons également 618 000 \$ pour soutenir des organismes publics et des organismes communautaires francophones au moyen de transferts gouvernementaux. Nous allons transférer 434 000 \$ à des organismes publics comme la Régie des hôpitaux du Yukon pour les aider à augmenter l'offre de services en français et 184 000 \$ pour soutenir directement la vitalité de la communauté francophone du Yukon, dont 50 000 \$ seront investis dans le Programme de coopération intergouvernementale Québec-Yukon pour soutenir des projets communautaires locaux.

Madame la Présidente, voilà les grandes lignes du budget de la Direction des services en français et de ses activités prévues pour 2023-24.

Je suis prêt à répondre aux questions des députés sur le budget de 2023-24 de la Direction.

**Ms. Clarke:** I would like to thank the officials for joining us today. Thank you.

The minister's mandate letter states that the new bilingual health centre will be led by the Department of Health and Social Services, with support from FLSD.

So, what services are available through the new bilingual health clinic? How many staff are bilingual, and what are those positions?

**Hon. Mr. Streicker:** It is about half — half of the staff are bilingual. I won't list off each individual position, but the department has let me know that four of the positions that we are aware of right now are bilingual.

**Ms. Clarke:** I thank the minister for that answer. I just have one other question for the minister, and I will hand over the floor to my colleague from the Third Party.

I understand that les Essentielles provides translations for documents for other NGOs, but the government does not provide funding to cover the cost of that translation service, either to les Essentielles or to those other NGOs. So, is the minister aware of this, and will the government consider either increasing funding to les Essentielles or other NGOs to cover this cost?

**Hon. Mr. Streicker:** So, providing translation services for non-governmental organizations is not currently part of our mandate, but we are right in the middle of doing our next three-year strategic plan and having conversations with many organizations, so we will see where that goes.

I appreciate the question today. I can also indicate that I know that the French Language Services Directorate has been very supportive of les Essentielles in quite a few ways, but, on this front, right now we are just looking through our strategic plan to see if there are opportunities.

**Ms. White:** Bonjour et bienvenue encore une fois à l'Assemblée. C'est toujours un plaisir d'avoir les Essentielles. C'est important d'avoir la représentation et je dis souvent que j'ai hâte d'avoir un francophone élu au lieu d'un francophile élu.

So, I look forward at one point to actually having a francophone elected in this Assembly, as opposed to a francophile. That will be a big achievement, I think, for us in Yukon.

I just wanted to focus a bit on bilingual positions. I had a recent conversation with someone who highlighted the struggles they had both at Justice and the courthouse and then again at the Motor Vehicles branch. I am just checking with the minister. I understand that our goal is to have a bilingual workforce, especially having bilingual folks involved in those front positions or available in those offices, but I am curious as to if there are departments right now that are missing those bilingual positions or the people to staff them. We understand, of course, that bilingualism is not something that we all have and — certainly requires a certain level of French to staff them. Are there departments that don't currently have bilingual positions staffed? Let's start with that — and where those departments might be.

**Hon. Mr. Streicker:** What we do with each department is that we have a memorandum of understanding with every one

of them, and those are updated annually. We are just in the process of updating all of the departments. There is only one department where we are still missing that agreement; that is with the Department of Economic Development. The folks at French Language Services Directorate are working to put that in place.

There are many positions throughout the Yukon that are these designated bilingual positions. At Justice, for example, we have 11 positions. One of them, currently, is seeking to be filled, but it's sort of part of the normal process where someone has stepped down to retire from a position or moved to somewhere else sometimes, and we are backfilling positions, so that is just part of the normal course of staffing and isn't anything unexpected, I guess. With the way our staffing is, there are vacancies.

The other thing I could say is that there are many public servants who are bilingual, but they are not counted as part of this system. This is where we have designated positions where the position is someone who is public-facing and will assist with providing services to Yukoners and where the French Language Services Directorate will assist the departments with the funding of those positions through our agreement with Canada.

**Ms. White:** I appreciate the answer from the minister. I also understand that the French Language Services Directorate is not responsible for staffing government. I understand that.

I will also say that I think that people should be allowed to be sick and they should be allowed to take vacations and they shouldn't be tied to their desks for 365 days a year, so that brings me to the next question: What services are available if, for example, the dedicated French speaker isn't there? For example, if I was to go to the courthouse to file a document and there is not someone there who can directly speak to me — it is very specific language. If I was to be put on the front desk of the courthouse, I would have to have a cheat sheet of the vocabulary, and I say this because the vocabulary would be very specific to that, for example. It would be different vocabulary than at Motor Vehicles. It would be different in my role here, and I say this because every time that I have to talk on a topic that I have not practised in French, I have to learn a new vocabulary to make sure that I can try to do it justice.

So, if a person, a francophone, was to go to any office in the territory and the designated French speaker wasn't there, what access do they have to translation services?

**Hon. Mr. Streicker:** Thank you, Madam Chair. It is a really great question.

We will have to talk to the folks at Justice to understand, because we have 10 other people in Justice who are in designated bilingual positions, but what we don't know right now, as we are answering questions today, is whether there is anyone who backfills across that position specifically. But we do try to work with departments to build in redundancy where we can.

The other ways that we assist people, if there isn't that person because of whatever reason — they are on holiday or they are sick that day — first of all, all the forms — generally, the forms are being translated, but our Justice forms are

translated, so there is a form that they can fill out in French to begin with. Second of all, we have an interpretation service, so if someone is trying to get assistance, there is a number that they can call and we will work with them. Now, that is still not ideal because the person on the other end of the line may not be the specialist in the Justice forms — and questions like that — but they will be able to help in a general sense, and also, if we are aware, we will work to assist.

Again, through that MOU and just in the relationship that the French Language Services Directorate has created with all of the various departments, we will seek to help those people to navigate the system. We are doing our best to try to make sure that services can be in the mother language or the — what is the term? I know I am missing in my terms. When I start thinking in French, I lose my English terms. But in the language of choice and especially in stressful situations — like the legal system, like health. I don't think Motor Vehicles applies as much, but maybe for some people it is stressful. But generally speaking, in those situations where it is difficult, we will try to assist.

We are trying to create a network of all of those designated bilingual positions where people can assist each other across systems. So, maybe someone is a specialist in health or in justice or whatever it is, but we try to build a community of practice where they work with each other so that they can assist across their goal of providing services in French. Even though it might be different within different departments, we believe that a collegiality will assist them in navigating as they try to support that service for Yukoners.

**Ms. White:** I appreciate that answer from the minister. I was just sitting here and reflecting on that answer, thinking back to 2012, which was the first time I had asked questions in French about the French Language Services Directorate, which at the time was under Highways and Public Works, and it had never been debated. So, if we look back in the 11 years — since that point — probably just right now, actually, in spring — we have come a long way, and it is important to know that we wouldn't have gotten here without the advocacy of the francophone community and the epic work done by those who have been champions of language.

Although I appreciate that it might not be ideal for someone to call a number, it is a far cry from when there was no support there.

So, I do appreciate the relationships that have been built up. To have access — there was a time when you couldn't go to the hospital and get French language services, so we have come a long way.

If a francophone were to go to an office and there was no French language speaker available, is there any kind of poster or any kind of communication that says that French language services are available and that they will be done via the telephone — let someone know?

The reason I am asking this question is that I think it's incredible how far we have come, and we all admit that, although we are in, I would say, a bilingual place — third most bilingual — but still not fully recognized as bilingual, even just having that indication — that visual — is very important for

people, just knowing that they can ask. It is the same reason why it is so important that we have the ASL interpretive signs at the hospital to say yes or no if you need help.

I just wanted to know what that looked like if I were to walk into an office.

**Hon. Mr. Streicker:** Before I give my response, I too would like to comment. I agree with the member that there has been a big change in the level of service that has been provided. Of course, I want to thank the department, but I will also thank the French community, which has been a very strong advocate and champions the issues.

There are sort of three ways in which we try to communicate to people out there. First of all, we have over and above the general ways, like our website and information that we try to put out there broadly. First, we provide some advice to departments about signage so that they can put stuff out. Second, we provide some signage for departments. Third, we make sure that our partners, like AFY, are aware of the services so that they can exchange that information with their membership and cohort.

Then finally, as I mentioned earlier, we have been in this strategic planning phase and the department has let me know that this one of those ways they have been discussing — about how they can communicate the services that are available more readily. I think that there is an intention that this will be one of the focuses of the strategic plan that is just under development now.

**Ms. White:** I think that is a good plug for next year's debate — to talk about something exciting.

Well, I had a lot of questions years ago because there were a lot of things to critique. There was a lot of encouragement to give about doing a better job. The reason why this has so much less debate than other departments is because the work being done is very good. There are questions, but it doesn't have a lot of criticism, except for the fact that I look forward to us going further.

We had a fantastic briefing with probably some of the coolest information, at this point in time, that was shared. What I would like to do right now is give the minister an opportunity to talk about some of the accomplishments in the department, because although the officials were able to brief the opposition in all the things that were great, I think that this is an opportunity to get it on the record. This is an opportunity for the minister to celebrate the successes of the French Language Services Directorate and talk about the thousands of documents that have been translated and to talk about the supports that have been offered, because I think that is the true testament to the work that is being done by the directorate. The hard numbers say one thing, but what those numbers really represent is what is important to the community, so I would like to hear a little bit about those.

**Hon. Mr. Streicker:** Some of the great work that the French Language Services Directorate is doing is not about growing itself. What it has done is that it has tried to support departments so that we can get those services into departments. You can see that in a few ways. It's there in the budget. It's also there in how we look at the staffing. The French Language

Services Directorate is maybe 20 or 25 folks, but we support nearly 60 positions across other departments and another 10 or 15 positions at the hospital, so that is really good news and usually very welcomed by the departments because we are offsetting their staff funding, so it's very good news for them.

We can see that there has been a lot of change generally. When we look at the amount of translation that is done by the department, it has gone up by 50 percent over the last four or so years. It has increased significantly. Coming out of COVID, the French Language Services Directorate made this decision to try to make its French classes a little bit more accessible by not getting people to sign up for a really long class — but get them in for briefer periods of time — because they could see how attendance would start and taper off, and so we have gone anywhere from 100 to 200 learners taking our French classes in recent years up to 350 just last year — well, the most recent year for the stats that we have. Another thing that we do is — because French is growing here, we have got more designated bilingual positions and, in particular, French language teachers — then we also provide a service where we assess those applicants for those positions about whether they are capable of doing it. That's up as well.

Look, I think that, in general, the department is doing well. I think that the Yukon was the one place in Canada where we had an increase in the francophone population.

Just one last comment — one of the things that we have always said as a department — and what we have done to encourage — is that we look to use French as an example of where linguistic diversity strengthens the territory. So, it isn't about French versus other languages that we want to support — for example, Indigenous languages; it is about how supporting French can also support other languages, which we are working to revitalize. What I will say is that, in my experience with the community and with the department, they are very supportive of other — whether it is government or whether it is non-governmental organizations, they are out there trying to support language and cultural heritage through language.

So, I hope that it is a strong story. I echo the member's comments that it is nice to see the hard work and to give a shout-out for all of those folks in the French Language Services Directorate.

**Ms. White:** I thank the minister for that. There was actually no wrong answer in that. There was no ability, when asked to cheerlead the work being done by the French Language Services Directorate — there was going to be no wrong answer. I do believe that the work that is done there and by the francophone community as a whole really does strengthen not only francophone and French access, but it actually strengthens culture and language access. That has always been a way that francophones have led. They may be in the front, but they are often the tip of the spear — making sure that others have access in their language of choice and that has been a huge thing.

Alors j'aimerais remercier toutes les personnes à la Direction des services en français pour tout le travail, j'apprécie et j'ai beaucoup d'admiration.

I thank the minister and look forward to talking about the strategic plan next year.

**Chair:** Is there any further general debate on Vote 27, French Language Services Directorate?

Seeing none, we will proceed to line-by-line.

**Ms. White:** Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all lines in Vote 27, French Language Services Directorate, cleared or carried, as required.

**Unanimous consent re deeming all lines in Vote 27, French Language Services Directorate, cleared or carried**

**Chair:** The Member for Takhini-Kopper King, pursuant to Standing Order 14.3, has requested the unanimous consent of Committee of the Whole to deem all lines in Vote 27, French Languages Services Directorate, cleared or carried, as required.

Is there unanimous consent?

**All Hon. Members:** Agreed.

**Chair:** Unanimous consent has been granted.

***On Operation and Maintenance Expenditures***

***Total Operation and Maintenance Expenditures in the amount of \$6,805,000 agreed to***

***On Capital Expenditures***

***Total Capital Expenditures in the amount of nil agreed to***

***Total Expenditures in the amount of \$6,805,000 agreed to***

***French Language Services Directorate agreed to***

**Chair:** The matter now before the Committee is continuing general debate on Vote 55, Department of Highways and Public Works, in Bill No. 208, entitled *First Appropriation Act 2023-24*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

**Chair:** Committee of the Whole will now come to order. The matter now before Committee is continuing general debate on Vote 55, Department of Highways and Public Works, in Bill No. 208, entitled *First Appropriation Act 2023-24*.

**Department of Highways and Public Works — continued**

**Chair:** Is there any further general debate?

**Hon. Mr. Clarke:** I think when we were last in the House, I was providing some introductory comments, and I may have a short period of time left, but at this point I would like to welcome, to my right, the Deputy Minister of Highways and Public Works, Catherine Harwood, and to her right, her assistant, Alyson Miller.

I will sit down and look forward to answering questions this afternoon.

**Mr. Dixon:** I appreciate the opportunity to speak today and to ask the minister a few questions. I will jump right in with the First Nation procurement policy.

On March 28, 2022, the minister said — and I quote: “Businesses must be listed on the Yukon First Nation business registry in order for Yukon government to apply bid value reductions on their bids.”

Does the minister stand by that comment?

**Hon. Mr. Clarke:** Thank you for the question from the member opposite. The Yukon government’s intent has always been that businesses need to be registered and officially listed under the Yukon First Nation business registry in order to be eligible or qualify for bid value reductions.

**Mr. Dixon:** So, on March 28, the minister said that: “Businesses must be listed on the Yukon First Nation business registry in order for the Yukon government to apply bid value reductions on their bids.” So, can the minister confirm that a business must — and I put stress on the word “must” — be registered with the business registry in order to qualify for bid value reductions?

**Hon. Mr. Clarke:** I would just repeat for the benefit of the House and for Yukoners listening this afternoon that Yukon government’s intent has always been that businesses need to be registered and officially listed under the Yukon First Nation business registry in order to be eligible or qualify for bid reductions.

Madam Chair, it came to light during the recent judicial review in the Supreme Court that the language of the policy might not be clear enough in regard to this requirement for businesses to be listed in the registry, and changes are currently afoot to bring clarity to this policy, and the language will reflect that.

Madam Chair, the intention has not changed. Businesses need to be registered and officially listed under the registry to help ensure that BVRs are applied in a fair and orderly manner.

The Yukon First Nation procurement policy was developed with our First Nation partners. On this topic, they have been clear that they agree with our approach and perspective that a business must be on the registry to qualify for bid value reductions. Not everything that allows the First Nation procurement policy to work is outlined in the policy itself. Some operational requirements or processes are outlined in tender documents and other materials that are still a part of the overall framework of the policy. Our position is that there has always been internal consistency between the policy itself as well as the supporting documentation.

We are in the process of clarifying the “Yukon First Nation business” definition. This policy is new and innovative in Canada, and we are listening to industry and First Nations, making tweaks where needed to ensure that the policy is fair and transparent and achieving the intended policy outcomes.

I am proud to say that the Yukon First Nation procurement policy positions us as a trailblazer in Indigenous procurement. This policy has been innovative from the beginning, including how it was written. Typically, a policy is drafted by one government. This policy was drafted by several. All 14 Yukon First Nation governments were invited to contribute, and most



collaborated on the development of the new policy with the Government of Yukon. I want to emphasize the significance of this. This level of collaboration on a policy was a first for our government and has been a key feature of this policy to this day. Most people who have worked on this project would say that it has been successful because of this approach.

Once the policy was drafted, we worked closely with our Yukon First Nation partners and industry to phase in implementation. It has now been more than one year since the policy was implemented. A suite of tools is now available to increase Yukon First Nation participation in our economy. For example, through this policy, we have agreed to meet annually with Yukon First Nation governments to discuss spending plans for planned capital projects within their traditional territories.

By sharing our capital spending plans, we can help Yukon First Nation governments and communities plan ahead and prepare for upcoming projects.

Another tool that I would like to focus on is, in fact, the Yukon First Nation business registry. It hosts a list of verified Yukon First Nation businesses that the policy can apply to and plays an essential role in the use of the policy itself. The Yukon First Nation Chamber of Commerce administers the registry. They undertake the Yukon First Nation business verification process and assist with applications. Using this list, we can ensure that the benefits and opportunities of the policy are directed toward Yukon First Nation businesses. A great example of this is the use of invitational tenders. Through the registry, government purchasers can find verified Yukon First Nation businesses to ensure that they have the opportunity to participate in the procurement. If one or more Yukon First Nation businesses can supply the good or service, we can invite them all to tender.

The registry also serves as the foundation of bid value reductions. The greater the participation of Yukon First Nation businesses and Yukon First Nation people, the greater the reduction will apply to a bidder's price during the tender evaluation process. One important thing to note is that the businesses are listed on the Yukon First Nation business registry for the Yukon government to apply bid value reductions on their bids. As I indicated in my two previous responses, it has always been the intention that Yukon First Nation businesses be on the First Nation business registry and, as I indicated in my prior comments, if ultimately the conclusion is that greater clarity is required, then we will provide that clarity.

**Mr. Dixon:** Does the minister see that there is a discrepancy between the policy that is written and the language in the tender documents that are issued pretty much each and every day?

**Hon. Mr. Clarke:** Thank you for the opportunity to respond. The Department of Highways and Public Works, in working with the Yukon First Nation — well, the Department of Highways and Public Works, as the government department — their view is that the tender documents are clear, but, as I indicated in Question Period today, if the ultimate conclusion is that the policy needs to be clarified — if that is the ultimate decision — then the wording will be clarified.

With respect to the Yukon First Nation procurement policy and where it is referenced with respect to the business registry, section 11(7.13), “Yukon First Nations Business Registry”, “(a) A list of Yukon First Nations Businesses will be maintained within a Yukon First Nations Business Registry. The Yukon First Nations Business Registry serves as: (i) a verification tool that confirms a Yukon First Nations Business meets and maintains the policy definition of Yukon First Nations Business; (ii) a link between Yukon First Nations Businesses and Government Procurement Authorities; and (iii) a marketing tool for Yukon First Nations Businesses to promote the Goods and Services they sell to Procurement Authorities and other interested organizations.”

In the Yukon First Nation business registry application guide, there are questions and answers: “What is the registry? The Yukon First Nations Business Registry is a web-based system designed and developed as part of the Yukon First Nations Procurement Policy [also known as the YFNPP]. The Yukon First Nation Chamber of Commerce acts as registrar for the Registry. More specifically, the Registry is an online system used to collect the information required to determine if a business meets the definition of a Yukon First Nations Business as defined in the Government of Yukon's, General Administration Manual, section 2.6 Procurement Policy (Refer to Appendix A). The Yukon First Nations ... Business definition is used in the application of various Participation Measures included in the YFNPP such as Bid Value Reductions ... Set Asides and direct award and invitational opportunities. Finally, the Registry is a marketing tool for Yukon First Nations Businesses to promote the goods and services they sell to ...”

On the Yukon First Nation procurement website — “Why add your business to the registry?” “The registry supports the proper administration of the policy. Businesses must be in the registry in order to: apply for ownership and business location bid-value reductions; increase their likelihood of being invited to invitational tenders; be considered for set-asides; and increase their opportunities to receive direct awards.”

Also, in the Yukon government's tender documents, “In order to be eligible or qualify for some Yukon First Nation Criteria, including any applicable deductions, the Proponent and/or their subcontractors must be duly registered and officially listed under the Yukon First Nation Business Registry (“YFNBR”). For further information on the registry, please go to the following website at...” — the website is provided — “... or contact the Yukon First Nation Chamber of Commerce at...” — e-mail provided and a certain phone number.

The Procurement Support Centre's position is that the spirit and intent — certainly that being on the First Nation business registry — in much of the supporting documentation and how it all holds together — is mandatory. Ultimately, if there is a conclusion that there ought to be greater clarity, then we have every intention of providing said clarity, but that's our intention and has always been the intention of the Yukon First Nation procurement policy.

**Mr. Dixon:** I thank the minister for that. I think that the minister has made it very clear that it is his view that a business

does indeed need to be on the registry in order to access the policy tools set out in the First Nation procurement policy — namely, GAM 2.6

He read from the definition of the Yukon First Nation business registry in the policy itself and then read from the webpage about the registry, quoting, of course, the webpage where it makes it very clear that the registry — and I will quote from the webpage here: “The registry supports the proper administration of the policy. Businesses must be in the registry in order to: apply for ownership and business location bid-value reductions...”

It seems that the minister is in lockstep with his department about the necessity for a business to be on the registry. My question, then, is: Why would the Yukon government’s lawyer then argue that a business does not need to be on the registry, as they did in *837386 Yukon Inc. v Yukon (Government of)*, which was delivered by the Supreme Court of Yukon on March 8?

**Hon. Mr. Clarke:** We cannot be in a position where we are going to litigate an active judicial review on the floor of the Assembly today. To go a certain distance to where the Leader of the Official Opposition is going — what I have said is that all of the supporting documentation — and all of the work that was done prior to the implementation of the Yukon First Nation procurement policy and all of the work that has been done since its implementation — the spirit and intent of all of that operative language is that the First Nation business must be on the First Nation business registry, and we will maintain that and we certainly look forward to any guidance that might come from the current judicial review.

Like I said, I really don’t want to get into the active litigation, but what the Leader of the Official Opposition is indicating is that the issue of the wording in part of the policy may be less clear than it ought to be in that it does not support the preponderant spirit and intent of the entire policy — if that is ultimately the conclusion of the judge who will make recommendations. On the floor of the House this afternoon, I have indicated that there is every intention of providing that clarity. We are starting to get into hypotheticals because it is in the middle of a judicial review and there is no final decision yet, but I take the Leader of the Official Opposition’s point that the potential lack of clarity of a certain element of the policy has been flagged, and I don’t disagree with that. If I receive advice, ultimately, to provide additional clarity, which would be then in addition to all the other spirit and intent indicators of this policy, then I will receive that advice and make the appropriate decision to provide the requisite clarity.

**Mr. Dixon:** I appreciate that the minister has explained the spirit and intent of the policy, and I appreciate the department’s perspective on this. He has made it very clear that the view of the department is that a business must be on the registry in order to access the bid value reductions, but where the lack of clarity comes in is from the strong argument made by the Yukon government’s lawyer in this case. I should note that the decision has been made. The reasons for decision were put forth on the Supreme Court of Yukon’s page on March 8, where Justice Kent provided analysis of the issue at hand and

did withhold issuing remedies because they wanted to seek further feedback. Nonetheless, the arguments from the government’s lawyer are on the court record, and they are available to anyone, and they form the basis of this decision that the justice has made.

In the reasons for decision — I’ll quote from it, which is in paragraph 32, page 11, of the reasons for decision in *837386 Yukon Inc. v Yukon (Government of)* — and I quote: “The passages in documents set out above that said that to qualify for the bid reduction benefits, an entity needed to be on the Registry, were put to counsel for Yukon. Counsel said that this was not the case. An entity could qualify for the benefits without being on the Registry.”

So, Madam Chair, it is clear that there is a very strong discrepancy between what the Yukon government’s lawyer is arguing in this case — and it is a matter of court record and it has informed this decision — and what the minister has just told us today. Now, again, I think it is — I appreciate that the minister has noted that there is a lack of clarity and that there is a discrepancy here, but my question is: What do we make of this? There are tenders that have been put out; there are bids that are being placed as we speak; there are contracts that have been awarded with this discrepancy in place. I would like to provide the minister another opportunity to offer some clarity to a business that may be looking at bidding on a tender or entering into a contract with the Government of Yukon. Is it a fact that a business must be on the registry in order to qualify for the bid value reductions?

**Hon. Mr. Clarke:** The current procurement documents govern the procurement process. Our view is that they are clear, and the answer to the Leader of the Official Opposition’s question is yes; they must be on the registry. I will receive advice on — if there is any ambiguity — settling that ambiguity.

But, as I indicated, we have every intention — for a Yukon First Nation business to avail itself of bid value reduction and a Yukon First Nation business identification, they must be on the registry, as I have indicated. Once again, the judicial review is before the courts. I believe that there is a subsequent hearing that is within the next few days, and the decision will likely take some time. But with respect to all procurements, what I would say currently and for the foreseeable future — for our government’s policy — is that the companies must be on the First Nation business registry and, speaking to Yukoners this afternoon, that is what the current procurement documents say, and I will make every effort for Highways and Public Works to solve any ambiguity, should it exist or should it arise. So, there is absolutely no intention of any ambiguity. The current rules — the current law prevails.

Madam Chair, with respect to the Yukon First Nation procurement policy generally, our government values reconciliation. We are working with First Nation governments to honour commitments. The Truth and Reconciliation Commission defines reconciliation as “... establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country.” For the Yukon, this means Indigenous rights, understanding the deep

connection of First Nation peoples to the land and honouring the spirit and intent of final and self-government agreements. Reconciliation is a process that involves thoughtful acknowledgement of the past and intentional action to move forward together. We strive to embody reconciliation through collaboration, communication, active listening, innovation, and commitment to continuous learning and improvement.

Reconciliation continues to be a key priority for the Department of Highways and Public Works. Our department is working to advance reconciliation with Yukon First Nations by building strong government-to-government relationships and taking meaningful actions that promote benefits for Yukon First Nation communities. We are working on several initiatives that we believe help advance reconciliation and create a brighter future for the territory. Strengthening relationships with Yukon First Nations has been one of the cornerstone commitments of our government. We work hard to ensure that reconciliation is considered when developing new initiatives and policies.

The Yukon First Nation procurement policy, which levels the field for Yukon First Nation businesses and citizens when partaking in government procurement, was fully implemented in October 2021. I am proud to say that this policy considers practical ways to implement reconciliation and positions us as a trailblazer and national leader in Indigenous procurement. Our government is immensely proud of the collaborative manner in which the policy was developed. We worked together, government to government, to write and implement the Yukon First Nation procurement policy. Our mutual goal was to create a policy that enhances economic outcomes for Yukon First Nation people and businesses and advances reconciliation in several ways.

I think we are achieving just that. Now, for example, over 100 First Nation businesses are on the Yukon First Nation business registry. This registry helps to facilitate partnerships between First Nation businesses and non-First Nation businesses. We are seeing success stories of partnerships forming and capacity-building that benefit everyone involved. These examples are a direct result of our collaboration with partners. Additionally, as part of the implementation of the Yukon First Nation procurement policy, community development agreements are being developed with several First Nations. Community development agreements are designed to be flexible and collaborative, maximizing business and employment benefits for Yukon First Nation citizens and communities. For example, community development agreements may result in new jobs for First Nation citizens on projects that are happening in their traditional territories. This policy is advancing reconciliation and is changing how we conduct business in the Yukon to the benefit of all.

I look forward to seeing increased participation by Yukon First Nations in the Yukon economy in the years ahead, and I certainly thank the Yukon First Nation Chamber of Commerce for their diligent work so far in administering the Yukon First Nation business registry.

The answer to the question, though, is that our position is that most of the First Nation procurement policy, as I indicated previously — and I can read the sections again, but I won't do

that right now. The spirit and intent is that there is consistency and that the First Nation businesses must be registered with the First Nation business registry. There is no intention by me and the Department of Highways and Public Works for there to be any ambiguity.

**Mr. Dixon:** Well, I appreciate the minister's last comments there, but unfortunately, there is ambiguity, and it's as a result of the Yukon government's own arguments in the court. I should note that this isn't hypothetical; it is not me making this up. This isn't that we are waiting to hear more from the courts. There has been a decision about this. There have been reasons for the decision from Justice Kent. If you go to the Supreme Court of Yukon's website under "Judgments", you will see that document. In that document, Justice Kent makes it very clear that there is a massive discrepancy and huge ambiguity between what the Department of Highways and Public Works is saying and what the government's lawyer is saying.

I will quote again from Justice Kent: "First, given the discrepancy between the documentation and the position of Yukon's argument during trial, it is unclear what purpose the Registry serves." So, we have a justice in the Supreme Court of Yukon telling Yukoners that it is unclear what purpose the registry serves. We have the minister right here today telling us very clearly that a business must be on the registry in order to qualify for bid value reductions. That is a significant discrepancy.

So, I will put it to the minister this way: Does the minister believe that the conduct of the department and the language of tenders need to be consistent with the decisions of the Supreme Court of Yukon?

**Hon. Mr. Clarke:** In addition to planning the Yukon First Nation procurement policy, the Department of Highways and Public Works has developed many other partnerships and agreements with Yukon First Nations to meet our shared goals. For example, the Government of Yukon has committed to having project agreements with all Yukon First Nations with traditional territory affected by the Yukon Resource Gateway program. The agreements are designed to support meaningful and beneficial participation by Yukon First Nations in the program. To date, six Yukon Resource Gateway project agreements have been signed.

Our governments have also signed a project agreement with the Teslin Tlingit Council for the Nisutlin Bay bridge replacement. The project charter supports collaboration between the First Nation and the Yukon government for the delivery of economic benefits to the Teslin Tlingit Council citizens throughout the project's duration.

While we are taking important steps to collaborate with First Nation partners in projects to support economic development, we are also investing in First Nation communities. Recently, our government announced funding for Burwash's new school, Kêts'ádañ Kù. The construction of this school fills a long-standing request from the Kluane First Nation and will help their citizens learn and thrive in their community.

Over the past year, our government has worked closely with the Kluane First Nation and the community to ensure that the school's design will meet the community's need. Currently, students cannot complete their high school education in Burwash Landing, but the new Kêts'ádañ Kù will have space for 40 students, from kindergarten all the way to grade 12, allowing students to stay in the community rather than having to move to a different community to finish high school. This affirms our commitment to reconciliation and supporting the Kluane First Nation's role in educating their citizens.

Madam Chair, in general, the Yukon First Nation procurement policy is providing opportunities for Yukon First Nation people and businesses to be active partners in the economy. Through this policy, the Yukon government is committed to: providing First Nation businesses with increased opportunities to participate in the Yukon's economy; ensuring procurement processes are done in accordance with Yukon First Nation final agreements; and advancing reconciliation, renewing the relationships with Yukon First Nations, and respecting treaty and aboriginal rights.

As I indicated previously, Madam Chair, on December 1, 2021, verified Yukon First Nation businesses started to be listed on the Yukon First Nation business registry. There is a link to the registry under "Doing business" on yukon.ca. Over 100 Yukon First Nation businesses have gone through the verification process and are listed on the registry.

The Yukon First Nation Chamber of Commerce is the registrar of the registry. The registrar assists Yukon First Nation businesses with the application process and performs the business verifications. The Monitor and Review Committee monitors and assesses the progress of the Yukon First Nation procurement policy in achieving its objectives and provides recommendations to the Government of Yukon.

As we learn more about the policy through implementation, we will continue to review the business definition and verification process with our First Nation partners and the Monitor and Review Committee to ensure that we are meeting the intent of the policy. Over the past year, the Yukon government has received feedback from industry and our Yukon First Nation partners on the "Yukon First Nation business" definition. The feedback focused on ensuring that Yukon First Nation businesses were being properly designated and that the definition of a "Yukon First Nation business" aligned with the intent of the policy. After discussions with our First Nation partners, the Yukon government updated the "Yukon First Nation business" definition in February 2022.

As I indicated this morning, there is a judicial review about aspects of the Yukon First Nation procurement policy and the Yukon First Nation business registry. Following a hearing in the Yukon Supreme Court on February 9, the initial decision was issued on March 8, 2023, which is currently under review by the Yukon government. However, more information has been requested by the court and, as such, we cannot comment further on the matter at this time. We, the Yukon government, continue to work with First Nation partners and industry and are reviewing its policies to see what improvements and changes should be made.

As I would indicate once again, I have received a briefing from my department and I have provided direction to my department that, if there is ambiguity to be resolved, then it should be resolved, but in general, there is no decision by the court yet. It is an interim matter, so one should not speculate as to what the final decision would be.

Further decisions are being presented on March 29. Our position is that the current tender document language is clear, and there is no intention of creating any ambiguity with respect to current tender documents or any tender documents in the future. I know that the hard-working team at the Highways and Public Works Procurement Support Centre will ensure that clarity is maintained. So, no intention of there being any ambiguity with respect to the current document, and I will receive advice with respect to any potential improvements that can be made.

**Mr. Dixon:** Thank you, Madam Chair, and I will say that the minister's recital of his briefing notes for the first six minutes of that response is not entirely helpful for those businesses listening right now that would like to know whether or not they should follow the advice of the Supreme Court of Yukon or the minister's advice, because that is the question that we are getting from people. They would like to know: Is the government's conduct — the Department of Highways and Public Works' conduct — consistent with the Supreme Court of Yukon? That is the question that I asked. The minister didn't answer that; he skated around that very clearly.

So, I will ask him again — I will try again. I'm not asking for the department's perspective. I understand what the department's perspective is. I would like to ask the minister himself — he is a lawyer, so I know he has some experience in these things. Does the minister think that it's important for the conduct of his department to be consistent with the rulings of the Supreme Court of Yukon?

**Hon. Mr. Clarke:** I will attempt to be concise on this question. Once we have received the final decision of the Supreme Court on this judicial review, it is incumbent upon the Department of Highways and Public Works and the Department of Justice to review the findings and the recommendations. Then we will receive advice about how to proceed. However, I am not discounting the possibility of receiving advice from the Department of Justice and the Department of Highways and Public Works specifically, because the case — and once again, we are not going to litigate this case on the floor of the Assembly, but we understand that the underlying issue is whether the petitioner or the plaintiff in this matter ought to be on the registry or not. That is the overarching question, I believe, that has to be resolved.

If, in the course of the judicial review, there were questions with respect to what we believe is the clear spirit and intent of the Yukon First Nation procurement policy, I will receive advice from the Department of Justice and the Department of Highways and Public Works.

With respect to the order of operations, after a final decision is rendered and after the reasons are reviewed — after it's reviewed and after the appeal period of likely 30 days lapses and the decision is provided — if the decision ought not, for

various reasons, to be appealed, then, to answer the Leader of the Official Opposition's question, at that point, of course, more than serious consideration of the decision of the Supreme Court with respect to this topic, which is whether the language is prescriptive enough or strong enough to indicate that a Yukon First Nation business ought to be on the Yukon First Nation business registry and that opinion is provided, it would be incredibly persuasive, to answer the Leader of the Official Opposition's question.

A lot of those preconditions have to be met, but speaking to Yukoners this afternoon, I am receiving advice with respect to the spirit and intent of the entire policy, including some of the definitional elements.

My colleague, the former Minister of Highways and Public Works, always advises me that procurement is a voyage, not a destination.

I will try to be concise and not go into the areas about the First Nation procurement policy right now. But, of course, the overarching intent of the Yukon First Nation procurement policy is that Yukon First Nation businesses and Yukon First Nation citizens participate more equitably in the socio-economic benefits of the Yukon.

The Leader of the Official Opposition heard my comments in Question Period indicating that we're coming some distance and that the stats are somewhere between six and seven percent of total contracts over the course of the last 16 months or so. When I get up next time, I can provide those specific statistics.

We are certainly not there yet, but through the various working groups that we have — and the commitment to monitor on a monthly basis or to have meetings with respect to how the policy is working — we do hope that First Nation citizens — our policy is designed so that it succeeds and that the numbers we have in the first review — in the first annual report — of between six and seven percent — number of contracts and dollar value — that they increase and that you do reach somewhere close to the 15-percent objective that will be reviewed at that time.

So, to answer the Leader of the Official Opposition's question, yes, there is no decision in this judicial review right now. Once there is a decision, that decision will be reviewed. Once I receive advice from the Department of Justice and the Department of Highways and Public Works with respect to the merit of that decision — and the 30-day appeal period has finished — whatever observations or guidance are provided in that decision will be very persuasive to this government.

However, I will just note that currently the contract law is the contract law. The procurement rules are in the procurement documents, and bidders need to follow those rules and, as I have indicated a few times in my responses, we have every intention of the procurement bids and tenders being accountable, transparent, and as easy as possible to navigate.

**Mr. Dixon:** I will leave it to future readers of Hansard to determine whether or not the minister answered my question, but I can see that I'm not getting anywhere on that particular point.

So, I will ask, based on the minister's last few sentences there, a question specifically. He said that the tender documents

are what they are and that, of course, potential bidders need to rely specifically on those. So, does the minister think that bidders must disregard the decisions of the Supreme Court of Yukon before bidding and simply follow the tender document?

**Hon. Mr. Clarke:** I think I did provide a fairly detailed answer the last time that I was on my feet. There is no decision, so for the Leader of the Official Opposition to ask me to provide some sort of speculation with respect to what will ultimately be decided is premature.

**Mr. Dixon:** I encourage the minister to review the reasons for decision. They are posted on the Supreme Court of Yukon's website. In that document — it's 14 pages — it's titled "Reasons for decision". Justice Kent lays out there the reasons for the decision in this case. Of course, obviously, they withhold the normal process of issuing remedies, but the decision itself is quite clear, and it is that, in the court's judgment, there is massive ambiguity between what the government lawyer has argued and what the tender documents that the minister is referencing contain.

But I think that we have exercised that as best as we can for now. I'm not sure that we will get anything new from the minister, so I will get a little more specific about the agreement that the government has with the Yukon First Nation Chamber of Commerce with regard to the verification process by which one becomes a member of the registry or becomes listed in the registry.

Has the government provided any guidance to the Yukon Chamber of Commerce about that process, and if so, what was that guidance?

**Hon. Mr. Clarke:** Firstly this afternoon, I would like to give a big shout-out to the Yukon First Nation Chamber of Commerce for the work that they have done so far, and we certainly do look forward to continuing this relationship and hope that it can continue.

Just briefly, I won't be long — but the Yukon First Nation Chamber of Commerce is the registrar of the registry. The registrar assists Yukon First Nation businesses with the application process and performs business verifications. The Monitor and Review Committee monitors and assesses the progress of the Yukon First Nation procurement policy in achieving its objectives and provides recommendations to the Government of Yukon. As we learn more about the policy through implementation, we will continue to review the business definition and verification process with our First Nation partners and the Monitor and Review Committee to ensure that we are meeting the intent of the policy.

Over the past year, the Yukon government has received feedback from the ministry and our Yukon First Nation partners on the "Yukon First Nation business" definition. The feedback focused on ensuring that Yukon First Nation businesses were being properly designated and that the definition of a "Yukon First Nation business" aligned with the intent of the policy. As I said previously, after discussions with our First Nation partners, the Yukon government updated the "Yukon First Nation business" definition in February 2022.

I also want to acknowledge on the floor of the House this afternoon, for Yukoners, that certainly we recognize that this is

a voyage, and we hope that we continue this relationship with the Yukon First Nation Chamber of Commerce and we know that there have been challenges.

Specifically, the Leader of the Official Opposition asking with respect to support — a shout-out to their executive director, whom I have certainly had contact with as well. The executive director is in regular contact with the assistant deputy minister at Highways and Public Works who is responsible for this file, as recently as today. But certainly, there is regular contact.

I can also advise, Madam Chair, that the Procurement Support Centre works with the Yukon First Nation Chamber of Commerce staff regularly, and going forward into the next fiscal year, the Yukon government is in the process of clarifying the roles, responsibilities, and duties of the Yukon government and the Yukon First Nation Chamber of Commerce. That work is ongoing.

We can advise that HPW works closely with the Yukon First Nation Chamber of Commerce on guidance on how to administer the registry and their application guide for the business registry, which is available online, as I have indicated today.

So, what I would say, Madam Chair, to answer the Leader of the Official Opposition's questions, is that there is a consistent communication pipeline between Highways and Public Works and the Yukon First Nation Chamber of Commerce with respect to the operation of the Yukon First Nation procurement policy at various levels. I am certainly open to even improving those lines of communication if there is a perception that they ought to be better.

Of course, Madam Chair, there is a transfer payment agreement, and loosely, the guidance has been laid out in that transfer payment agreement signed by the Yukon government and the Yukon First Nation Chamber of Commerce. We hope we certainly — but if the member opposite has indication that Highways and Public Works ought to be doing more in furtherance of that relationship, I am certainly open to that suggestion. But my information is that the lines of communication are open, and I am certainly cognizant of the fact that this is a challenging file, but it is certainly innovative and trail-breaking, and we certainly still very much actively support this and want and wish for it to succeed.

**Chair:** Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

The matter now before the Committee is continuing general debate on Vote 55, Department of Highways and Public Works, in Bill No. 208, entitled *First Appropriation Act 2023-24*.

Is there any further general debate?

**Ms. Tredger:** Thank you very much to the officials for being here, as well as to everyone I know who is listening in and all the people working very hard at the department.

I have a number of questions. I am going to jump around a little bit. I will try to be somewhat organized.

I want to start with a question about biofuels and renewable fuels. There was a bit of talk about this in EMR last week, and I know that EMR is leading the development of the regulations around biodiesel and renewable diesel. I am wondering if the minister can tell me if the Department of Highways and Public Works, in any of their vehicles — I think that it is primarily vehicles — is using biodiesel or renewable diesel.

**Hon. Mr. Clarke:** I did listen to some of the discussion, or debate, between the Minister of Energy, Mines and Resources and the Member for Whitehorse Centre in previous days on this topic, and we also know that in the Yukon Climate Leadership Council and through Navius it was identified that biodiesel and cleaner fuels are, in fact, an important element of the solution. I know that the solution of meeting the climate change goals of reducing greenhouse gases by 45 percent from 2010 levels by 2030 — I know that the Minister of Energy, Mines and Resources has identified supply chain issues as to how, ultimately, Yukon will receive the product.

But to the Member for Whitehorse Centre's specific question, the Department of Highways and Public Works is not currently using renewable fuels in the fleet. However, the department is continuing to work with Energy, Mines and Resources' Energy branch to understand how we can use this technology in the Yukon, whether that be through electrical generation, transportation, or heating. Highways and Public Works is looking at where renewable fuels could be used in the department's operation, including within the Fleet Vehicle Agency. Certainly, there is promise, but there is also complexity. Perhaps I will leave it at that. I can also provide an update to the member if she wishes at some point with respect to where we are at with fleet vehicles, but I will leave it at that.

**Ms. Tredger:** Thank you to the minister for that. I am actually going to ask for some more detail. I ask because regulations are a complicated way to get people to change their behaviour. It's a good way; I'm glad we are moving forward with regulations, but it's going to be a while, whereas the government can make changes now and we know that the government is one of the largest emitters in Yukon because they deliver a lot of services, which is great, but that means they have a lot of vehicles, a lot of generators, and a lot of buildings.

So, when does the minister think his department might be ready to start using some renewable fuels? When does the minister think that renewable fuels could start being used by the department?

**Hon. Mr. Clarke:** I think, consistent with the response that the Member for Whitehorse Centre received from the Minister of Energy, Mines and Resources, there is currently no renewable diesel that's available in the Yukon. There are active conversations occurring. I understand the members opposite's — I won't say "impatience" — enthusiasm, I suppose, with respect to either the Department of Energy, Mines and Resources, the Department of Environment, or the Department

of Highways and Public Works accessing this fuel sooner rather than later. I am similarly, I suppose, impatient with respect to this, and I will certainly direct fleet vehicles, when it is possible and where it's available, to retool some of our infrastructure. Members of the House have heard this before, but Highways and Public Works is responsible for a fleet of vehicles of approximately 500 to 600, including some large machinery, so there is certainly potential there.

What we are doing immediately, of course, is trying to offset bringing the B-trains up the highway at all — or limit the number of B-trains coming up the highway. There are some fairly, I think, promising projects. There are two projects on the Dempster Highway this summer that are confirmed to go ahead, and those are installing significant solar arrays at both the Klondike and Ogilvie grader stations. Those projects are budgeted and they will proceed, so hundreds of thousands of litres of diesel will be offset and will not have to be brought into the territory and then transported from Whitehorse to a fairly remote location on the Dempster.

Of course, the member opposite has heard the other examples, but perhaps briefly for the benefit of Yukoners listening today — the Yukon University roof, which is expensive — we have committed to a significant rebuild of that roof. You have heard about the Andrew A. Philipsen Law Centre in downtown Whitehorse.

I can get into this in future answers, but energy efficiency — we can get into the prioritizing of buildings for retrofits. It's about a \$6-million or \$7-million project for the Old Territorial Administration Building in Dawson. Yukoners listening at home will know that this was an extremely poorly insulated structure, although it has incredible historic value to Yukoners. Nevertheless, this government has committed to offset a lot of heating there, eventually. It's probably one of the bigger public structures in the Yukon.

The list goes on. There will be the Whistle Bend School, which will be built to a standard analogous if not better than the new F.H. Collins school or perhaps similar to the Mercier school. What we can do in the short term — and I accept what the member is saying, that Energy, Mines and Resources, Environment, Highways and Public Works, and all of government should move as quickly as possible on biodiesel or renewable fuels, and we will do so. But the focus of the *Our Clean Future* acceleration team has been to come up with alternate heating options, retrofits, and off-grid solar, like Klondike and Ogilvie, Old Crow, White River First Nation in Beaver Creek, and the turbines that will go up on Haeckel Hill. We have a high degree of confidence that they will work better than the previous turbines — knock on wood.

I will leave it at that, but I certainly hear the member opposite loud and clear. I know that my department has heard it as well — that renewable diesel and biodiesel are not insignificant potential ways forward to come to more significant greenhouse gas reductions.

**Ms. Tredger:** I thank the minister for that. I certainly agree that the better option is not to need diesel at all, but I don't quite understand what he said about how there is no renewable diesel available in the Yukon right now. I know that it's not

available at pumps, but I just did a quick search of renewable diesel being purchased in Canada. Petro-Canada is selling what they are calling "EcoDiesel" in BC.

It must be an option to bulk order it, bring it up, and then use it for our own fleets and our own generators. I know that there are some issues around the gel point of renewable diesel and how it is going to do in winter climates in the Yukon, but we have summer coming up, which seems like a really exciting opportunity. I don't think that there is any way to know what blends are going to work in the Yukon until we try it, and I feel like the Government of Yukon is perfectly positioned to be the one to do so — that experimentation of what kinds of blends between the renewable and conventional diesel we can use in the Yukon and will work in the Yukon.

Could the minister talk about whether it is possible to, I guess, bulk order diesel for Government of Yukon's purposes?

**Hon. Mr. Clarke:** So, specific to Highways and Public Works, certainly we will get back to the member opposite with what progress we are making with respect to trialing, I think, first biodiesel and then after that renewable fuels. In just conversing with the Minister of Energy, Mines and Resources — indicating that pilots are planned and that perhaps the first, best bang for your buck might well be some of the gen sets that Yukon Energy has with respect to providing the N-1 power at both the Whitehorse dam and from Faro.

So, those are candidates for a pilot, and there may be some work with Yukon Development Corporation as well. Just to confirm, we are certainly working closely with EMR to explore options. I take the member opposite's point that BC may be in a position to be bulk ordering renewable or biodiesel. My understanding is — and this isn't directly my thought, but it is a bit more complicated in creating the infrastructure within the Yukon to receive, store, and deliver the new fuels. But I know that there is urgency. As I said in my previous answer when I was standing, Highways and Public Works' current focus is offsetting. I will perhaps just spend a few minutes with respect to offsetting as well.

The Department of Highways and Public Works is leading by example by adding zero-emission vehicles to the fleet and promoting sustainable and suitable vehicle options that meet requirements while embracing new vehicle technology. The department will be tendering for electric trucks, vans, and SUVs to replace gasoline vehicles wherever fit for the purpose. This, we hope, will go well beyond the target originally set in *Our Clean Future*.

One of the new actions for Highways and Public Works under *Our Clean Future* is to develop and implement a system to prioritize and purchase zero-emission vehicles for all Yukon government fleet acquisitions, where available and suitable, and I have directed that as of — likely, about 18 months ago.

In early 2021, the Yukon government purchased two zero-emission passenger cars. In late 2021, 12 plug-in hybrid SUVs were ordered and were delivered in 2022. In the fall of 2022, the Yukon government tendered and awarded a contract for two full-battery electric cargo vans and 10 hybrid gasoline trucks. They are anticipated to be delivered later this year for the fleet.

Highways and Public Works continues to meet with local dealerships to build relationships and understand market conditions so that we can maximize getting electric vehicles into the government fleet. Yukoners will also know that the Yukon government has committed to making it possible to travel by electric vehicle to all road-accessible Yukon communities by 2027, and we know that, largely, this objective has been attained now.

The next challenge will likely be building in some redundancy, as I've stated, because you can't just have one — ultimately, it's suboptimal to have one charger in one community, but I commend government officials in EMR, HPW, and Environment for their strong work. I can also advise that both the Minister of Energy, Mines and Resources and I have been in contact with our BC counterparts in order to try to electrify the Smithers to Watson Lake and the Fort Nelson — or even Fort St. John, but certainly the Fort Nelson to Watson Lake portions. I can advise the House and Yukoners today that this is part of BC's work plan. I have had at least two — one in-person — meetings with both ministers — the Minister of Environment and the Minister of Energy, Mines and Low Carbon Innovation — both in-person and by telephone. I certainly have advocated on behalf of the Yukon that it would certainly be great if the Yukon wasn't in an island grid where you can't drive your electric vehicle out of the territory. We certainly recognize that this is a current impediment.

But I am led to believe by the BC ministers that it is in their work plan and will hopefully in place within the next year to 18 months so that we can connect with our friends, colleagues, and other Canadian citizens in southern Canada. That, in my view, will also accelerate uptake in the Yukon because there will be the assurance that you can drive into southern Canada.

I have said this before on my feet, but in my discussions with dealerships and with industry in general, it's not an issue of uptake in any event, and we think that supply is increasing. We will require more supply, but so far, my understanding is that every electric, plug-in electric, or hybrid vehicle that comes on the market in Whitehorse is sold in fairly short order. That's a somewhat long-winded way of answering the question, but what I would say to the member opposite is that we are absolutely prepared to push in my departments on biofuels and renewable fuels and, whenever we can, I will push for us to pilot. I would think that some of the big machinery we have, if it can be retooled or reprofiled to use biofuel or renewable fuel, could certainly represent some significant savings.

**Ms. Tredger:** Thank you to the minister. I appreciate his willingness to push this forward. I have to admit that I don't totally understand the barriers, but I am excited about the pilot project. I hope that it can happen as quickly as possible and that the move from pilot to implementation can happen as quickly as possible.

I am going to switch gears because I have quite a few things I am hoping to get through before the end of the day. I want to talk a little about heritage buildings that the Government of Yukon owns and leases to organizations such as non-profits.

I understand that a number of them received a letter in February telling them that their leases would not be renewed, that they would be switching to a month-to-month lease because Tourism and Culture is developing a strategy for the use of Yukon government signature heritage buildings and that this is going to prioritize tenants differently. That was pretty concerning for a lot of non-profits in particular that don't have very big or flexible budgets.

I am wondering if the minister can give an update on what is happening there and if he can offer any assurances to the current tenants that they will be considered for long-term tenancy.

**Hon. Mr. Clarke:** The overarching strategy is more a Tourism and Culture matter. Of course, Highways and Public Works has the responsibility for administering leases and entering into extensions of leases, but briefly, what I would say is that the goals of the strategy are to ensure that where government space in signature buildings is rented or leased to third parties, it is done in a manner that enhances the economic, social, and cultural well-being of Yukon citizens and that it follows a fair and transparent process. We hope that the strategy is finalized and approved within the next several months. Updates will be communicated to all tenants. My understanding is that the Tourism and Culture strategy could take a while to be approved and, at that point, tenants can submit a proposal to remain in their space.

I am advised, once again, that we are not the architects; we are not the drivers of the actual policy, but my understanding is that if their proposal is not accepted, they will have at least six months' notice. I would be speculating as to why their proposal might not be accepted.

If the tenants are listening today, I suppose that is the assurance that I can provide from the Department of Highways and Public Works. I would imagine that Tourism and Culture will be in a position to more significantly put some more material into the policy. So, that is where it is at. It seems like there would be discussions and, in any event, it sounds like six months' notice would be provided. I cannot tell the House today whether there would be an appeal process with that six-month extension being provided. I won't speculate whether there would be an appeal process.

**Ms. Tredger:** Thank you to the minister for that.

I will ask my colleagues to follow up in the Department of Tourism and Culture. I guess I would just say that six months sounds pretty long, but if you are an NGO on a shoestring budget, as many of our non-profits are, there are just not a lot of options available necessarily. I think that so many of them do such incredibly important work for the territory. I might suggest, rather than evicting tenants, waiting until they naturally move on and then, at that point, applying the policy as something the department could consider.

I am going to switch gears again. Recently, a report came out about the geological hazards in the area. I am going to focus mostly on my riding of downtown — so the geological hazards from the clay cliffs to downtown. One of the things in this report — it talked about a significant factor in the landslides being the deforestation of the airport. It allows more snow to



accumulate and then more water to move, which causes the landslides. Now, of course, I understand that the airport needs to be deforested. We can't have trees on the runway; however, I do wonder if there is opportunity for increased forestation on the perimeter of the airport, particularly outside of the fencing but even around the edges — whether there would be opportunities to have particularly small trees and whether that could help to prevent landslides through downtown Whitehorse. Is that something that the department is considering?

**Hon. Mr. Clarke:** The Department of Highways and Public Works carefully manages snow and drainage at the Erik Nielsen Whitehorse International Airport. Snow that is cleared from runways is moved to the west side of the airport. Highways and Public Works has initiated water management planning for the airport site. The department is working with the City of Whitehorse to help inform discussions regarding escarpment slope stability. The Yukon might see, and has recently seen, increased precipitation and potentially higher drainage flow rates in the coming years due to climate change. To prepare for this possibility, Highways and Public Works is planning to upgrade surface water drainage infrastructure over the next four years and make further improvements to overall drainage at the airport for the long term. The department is also working closely with the City of Whitehorse on these plans and will continue to collaborate on these issues moving forward.

Just as an add-on, Madam Chair, with respect to the snow and water survey, the results of the March 1, 2023 snow survey show close to average levels across most of southern and eastern Yukon and above-average snowpack in central, west, and northern Yukon. While the snowpack is above average for some parts of the territory this season, in contrast to the prior two years, the snowpack is much closer to normal and lower than in the prior three years. The snow survey indicates that there will be average to slightly above-average flood potential for spring breakup and spring freshet in most of the territory, with above flood potential areas, likely in the lower Yukon Basin and the Klondike Valley. Snowpack is one risk factor for high water flows, water levels, and flooding during the spring breakup and snowmelt period.

Spring weather, the timing and progression of snowmelt, as well as precipitation events are also important drivers of flooding, regardless of snowpack levels. This is important — and the member opposite, when she read this report, will have noted that groundwater levels across much of the territory are currently high and are likely to remain high in the spring with increased flood risk, particularly in areas with localized drainage issues as well as the risk of slope failures. So, not just at the Erik Nielsen Whitehorse International Airport — but generally speaking, groundwater is high, as it hasn't subsided from two significant snow load years. We know that last year — if blue is an indicator on the flood map of above average — it was either light blue to dark blue for most of the territory last year. So, in consequence of that, the groundwater has remained high. I take the member opposite's point that this could also impact the airport.

As to what has ever been done in the relatively recent past with respect to trees on the — I guess that's the eastern perimeter of the airport — I can certainly get back to the member opposite. I know that we are working with the City of Whitehorse on the active transportation file, because I know that Yukoners and Whitehorse citizens are interested in regularizing that trail, but the member opposite will also know that this trail has been significantly and negatively impacted by erosion, so that could be quite a significant project.

In synthesis, the high snow loads and high rain loads for the last two years — a little bit less this year — but residual high groundwater levels, whether it is at the airport, within Whitehorse, or in the Southern Lakes — those represent challenges, and I take the member opposite's points. The Department of Highways and Public Works, in connection with the general airport improvement operations, is looking at improving drainage, and I am certainly not averse to looking into the possibility of additional vegetation at the top of the cliffs. I certainly have regular meetings with both the mayor and sometimes with Mayor and Council of the City of Whitehorse to investigate that.

There are various challenges, but I certainly thank the member opposite for her suggestion and will follow up.

**Ms. Tredger:** It is reassuring to know that there is a water management plan for the airport and that the minister is going to look into that suggestion. I just think about what our options are: using machinery to remove snow or growing vegetation to achieve the same goal. Maybe we need both, but I think that the idea of having more vegetation as a way to also protect our slope stability is a really lovely idea.

I am going to switch gears again, and I want to ask a little bit about the trucking industry and monitoring and compliance. I am going to group a few questions together here, and if the minister wants me to repeat any of them, I can.

I am wondering how many carrier compliance officers there are and how many trucks they inspect annually and how often they are on the road. Anecdotally, I have heard that they are not doing road stops as much as just staffing the weigh stations, but maybe the minister can either confirm or correct that.

I am curious how many officers are on at a given time and what the maximum fines are for non-compliance with regulations.

I am also curious — I am just going to throw one more question, and if the minister can't get to them all, that is okay. How many truck-related accidents are there on the Yukon highways in a given year?

**Hon. Mr. Clarke:** What I would say is that I will have the Highways and Public Works officials review Hansard for that specific question. My deputy is here, and she has heard some of these specific questions and will certainly get back to you. Well, we will provide a legislative return on the specific questions.

What I would say is that monitoring commercial vehicles on Yukon highways is important for the safety of the travelling public and the integrity of highway infrastructure. Highways and Public Works administers the Yukon's carrier compliance

program, which is responsible for ensuring that drivers of commercial vehicles are following the *Highways Act*, the *Motor Vehicles Act*, Commercial Vehicle Safety Alliance requirements, and the National Safety Code. Through this program, carrier compliance officers perform inspections on commercial vehicles to ensure that they are within weight limits and that their cargo is properly secured.

They also confirm that pre-trip inspections and logbooks are completed and that vehicles are mechanically sound. Highways and Public Works continues to work closely with the transportation industry to balance safety, compliance, efficiency, and movement by industry.

I can advise that I attended at the Whitehorse weigh scales within the last two or three weeks. My observation was that it was a seamless operation, but I certainly recognize that there is always room for improvement. To answer one of the member opposite's questions, it is a 24-hour operation. We can certainly get you the staffing levels quite quickly.

Carrier compliance supports the transportation industry through the ongoing education of carriers regarding industry requirements, as well as encouraging compliance prior to enforcement action being taken. Local companies can apply for a weigh-scale exemption permit if they wish to not have to report to the scales every time they drive by.

Highways and Public Works is considering changes to the exemption permit reporting requirements in order to reduce the administrative obligations of carriers while continuing to prioritize safety. Under the current model, carriers are required to submit detailed fleet information annually to carrier compliance. We have heard from local businesses that they view it as burdensome to keep accurate and current logs of all their fleet.

Additionally, concerning levels of non-compliance were found by some carriers who carried weigh-scale exemption permits. These safety violations included overweight scales, unsecured cargo, and other infractions. When commercial vehicles are overweight and carrying unsecured cargo, it presents a safety risk to the travelling public and causes significant damage to road infrastructure. To address this issue, carrier compliance has recently proposed modified requirements for a weigh-scale reporting exemption permit. This proposed policy will take a risk-based approach to determining carrier reporting requirements. It may consider vehicle weight, carrier safety incidence, roadside safety violations, and summary conviction tickets.

The department works closely with the local transportation industry in making policy and regulatory changes. The department has had four meetings with industry on the proposed changes over the last few months, with approximately 50 participants in attendance at each meeting. We will be releasing a "what we heard" document this spring that will clarify industry concerns regarding potential changes to weigh-scale reporting.

In addition to the specific meetings mentioned with industry, the Yukon Transportation Association is again meeting monthly and carrier compliance officers are in attendance at these meetings.

I have heard from tourism operators, and my officials at Highways and Public Works have heard from tourism operators as well, but briefly, we recognize the importance of tourism operators throughout the territory. That is why buses that operate within the 20-kilometre radius of a stationary weigh scale have historically been exempted from reporting to the Whitehorse weigh scale. For carriers outside of this zone, Highways and Public Works is of the view that they had an excellent reporting history with larger carriers such as Holland America and Premier lines, and the department has been working with local carriers to keep them informed of any potential changes to the weigh-scale reporting exemption permits. To minimize travel disruption, buses and commercially licensed 15-passenger vans are only stopped if a pressing safety violation is present. Highways and Public Works carrier compliance officers generally schedule inspection with carriers during the downtime for that carrier. So, that's kind of a summary of the weigh scales.

There is a question about the staffing, perhaps the hours — whether there is active enforcement and a few other questions. There was a question about maximum fines and the number of truck-related accidents, the number of carrier compliance officers on shift at any time — we will get an answer to those questions to the member opposite.

**Ms. Tredger:** Thank you to the minister. That was really interesting and I look forward to those answers. I really appreciate that.

I want to ask a little bit about data breaches. I am wondering how many data breaches the YG experienced in the last year. I don't know if there is a categorization system of severity. I imagine some of them are quite minor, and some of them, I know, are quite severe. If he is able to break it down — if there is a categorization system or describe the distribution of them a little bit — that would be great.

**Hon. Mr. Clarke:** My team has the questions with respect to the specific number and whether they can be broken down. We will also get back to the member opposite on that question and if there is any concern with releasing data of a high degree of specificity for security — overarching security issues. I will convey that to the member opposite as well, if there is any concern. Otherwise, we will certainly attempt to provide the information that is being requested.

Protecting the personal information of Yukoners is important to our government. The *Access to Information and Protection of Privacy Act* contains provisions that outline what personal information may be collected, how it is managed, who has access, and how privacy breaches must be reported. The Department of Highways and Public Works has created Government of Yukon-wide employee and contractor privacy training, a breach reporting process, and privacy impact assessment tools and guidelines to foster awareness and understanding of personal information and its protection in the public service.

The department has also created a corporate privacy advice and oversight resource for departments and has ensured that all government departments have a designated privacy officer. Privacy breaches include issues such as: loss of paper or digital

records; inadvertently providing information to the wrong person; inappropriate accessing of information by employees; as well as things like phishing or hacking. All privacy breaches with a risk of significant harm must be reported to the corporate privacy office in the Department of Highways and Public Works. Privacy breaches with a risk of significant harm are also reported to the Information and Privacy Commissioner by the department where the significant breach occurred.

For privacy breaches of this nature, we notify those individuals who may have been subject to a privacy breach so that they are aware and can take further action to mitigate any potential impacts of the breach.

The Yukon government has procedures in place to mitigate the impact of a privacy breach on people whose personal information has been compromised. Each department has its own designated privacy officer, who will take immediate action when there is a suspected breach. If there is a suspected privacy breach, staff have the following resources to use: a privacy officer toolkit; a privacy breach assessment form for the designated privacy officer of each public body; a privacy breach reporting form for employees; and privacy breach procedures to follow. The privacy breach procedures and resources listed above are found on [yukon.ca](http://yukon.ca).

I think that the two specific questions that the member opposite has is the number of breaches — however, that is defined — within either the last fiscal or calendar year, but we will check Hansard, and secondly, whether those breaches can be meaningfully or usefully subdivided into different areas or categories. As I indicated, I will get back to the member opposite, and we will certainly advise her if there are any limitations on my ability to report back.

**Ms. Tredger:** I am going to ask one last question, and then I will move to report progress because we are at that time of day. Perhaps the minister might be able to respond with a legislative return. One of the items in *Our Clean Future*, H30, is: "... contribute to net 30 per cent greenhouse gas reductions from the Government of Yukon's building portfolio." That actually encompasses a couple of other items — one being retrofits for more energy efficiency and the other is switching over heating systems.

I am wondering what, to date, the greenhouse gas reduction from Government of Yukon's building portfolio has been, because I know they have done a lot of great projects. Also, if it's known, what is the projected impact of the next year of projects? What would be the reduction as of the end of last year, and what are we predicting the reduction to be by the end of next year?

With that, Chair, I will move that you report progress.

**Chair:** It has been moved by the Member for Whitehorse Centre that the Chair report progress.

*Motion agreed to*

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

**Chair:** It has been moved by the Member for Mount Lorne-Southern Lakes that the Speaker do now resume the Chair.

*Motion agreed to*

*Speaker resumes the Chair*

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

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

#### **Chair's report**

**Ms. Blake:** Mr. Speaker, Committee of the Whole has considered Bill No. 208, entitled *First Appropriation Act 2023-24*, and directed me to report progress.

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

Are you agreed?

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

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

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

*Motion agreed to*

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

*The House adjourned at 5:25 p.m.*

#### **The following sessional paper was tabled March 27, 2023:**

35-1-93

*Seventh Report of the Standing Committee on Appointments to Major Government Boards and Committees (March 27, 2023) (Clarke, N.)*

#### **The following legislative return was tabled March 27, 2023:**

35-1-83

Response to matter outstanding from discussion with Ms. White related to general debate on Vote 3, Education, in Bill No. 207, *Third Appropriation Act 2022-23* — clinical counsellor at Hidden Valley Elementary School (McLean)

#### **The following document was filed March 27, 2023:**

35-1-132

Protection for students, letter re (dated March 3, 2023) from Hon. Jeanie McLean, Minister of Education to Kate White, Leader of the Third Party (McLean)

**Written notice was given of the following motion  
March 27, 2023:**

Motion No. 658

Re: rural Internet service (Cathers)