



# Yukon Legislative Assembly

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35<sup>th</sup> Legislature

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## HANSARD

Wednesday, October 13, 2021 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

# YUKON LEGISLATIVE ASSEMBLY

## 2021 Fall 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
<b>Hon. Sandy Silver</b>	Klondike	Premier Minister of the Executive Council Office; Finance
<b>Hon. Tracy-Anne McPhee</b>	Riverdale South	Deputy Premier Government House Leader Minister of Health and Social Services; Justice
<b>Hon. Nils Clarke</b>	Riverdale North	Minister of Highways and Public Works; Environment
<b>Hon. John Streicker</b>	Mount Lorne-Southern Lakes	Minister of Energy, Mines and Resources; Public Service Commission; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation; French Language Services Directorate
<b>Hon. Ranj Pillai</b>	Porter Creek South	Minister of Economic Development; Tourism and Culture; Minister responsible for the Yukon Housing Corporation; Yukon Liquor Corporation and the Yukon Lottery Commission
<b>Hon. Richard Mostyn</b>	Whitehorse West	Minister of Community Services; Minister responsible for the Workers' Compensation Health and Safety Board
<b>Hon. Jeanie McLean</b>	Mountainview	Minister of Education; Minister responsible for the Women and Gender Equity Directorate

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

<b>Kate White</b>	Leader of the Third Party Takhini-Kopper King
<b>Emily Tredger</b>	Third Party House Leader Whitehorse Centre
<b>Annie Blake</b>	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**  
**Wednesday, October 13, 2021 — 1:00 p.m.**

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

*Prayers*

**Withdrawal of motions**

**Speaker:** The Chair wishes to inform the House of changes made to the Order Paper. Motion No. 117, standing in the name of the Leader of the Third Party, has not been placed on the Notice Paper at the request of the member.

**DAILY ROUTINE**

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

Introduction of visitors.

**INTRODUCTION OF VISITORS**

**Hon. Mr. Silver:** Mr. Speaker, I would like to ask my colleagues in the Legislative Assembly to help me in welcoming some folks here today for Jack Cable's tribute. Please forgive my eyesight. You may not be in the gallery, but I have your name. We have Faye Cable, Jack's wife. We also have Dan Cable, who is sitting here. He's a little busy today, so he's not in the gallery, but I would also like to recognize that he is the son of Jack and the Clerk of the Legislative Assembly. We also have Sue Edelman, daughter of Jack and former MLA for Riverdale South. I believe that we have Spencer Edelman, who is the grandson of Jack, son of Sue and Brian. We have Tristan Edelman, great-grandson of Jack and son of Spencer. We have: Bryna Cable, Dan Cable's wife; Kelly Eby, who is Faye Cable's son; we also have Laura Eby, who is Kelly's wife. Ron Veale, the former Chief Justice of Yukon; Lorne Austring, a lawyer and colleague and friend of Jack Cable's; Fred Smith, a close friend of Jack's, connected through the United Way; we also have Arianna Warner, who is the daughter of Sue and Brian Edelman; and if there's a baby in her arms, the baby is Luca; and we also have Pat Duncan, the current Senator for the Yukon, also a former Yukon Premier. Somebody whom I affectionately call "mom" — we have Judy Layzell, a long-serving Yukon Liberal staffer.

Thank you everyone for coming today.

*Applause*

**Hon. Mr. Mostyn:** Thank you very much, Mr. Speaker. I appreciate that. This afternoon I would like to welcome three people to the House: Mark Pike, the chair of the Yukon Workers' Compensation Health and Safety Board; Catherine Jones, also from the board; and our president, Kurt Dieckmann. Please welcome them.

*Applause*

**Hon. Mr. Clarke:** Mr. Speaker, I would like to take this opportunity to introduce my deputy minister, Manon Moreau,

assistant deputy minister, Christine Cleghorn, as well as Diane Gunter and Bryna Cable, one more time, as they are here for the ministerial statement on the elimination of plastic bags.

*Applause*

**TRIBUTES**

**In remembrance of Jack Cable**

**Hon. Mr. Silver:** I rise today in the Chamber to pay tribute to a great Yukoner, known for his community spirit, his volunteerism, and his decades of service that have helped make our Yukon Territory the way it is today and the way we love it.

I rise to honour former Commissioner Jack Cable, who sadly passed away in July. Jack helped to write the history of the Yukon in a number of different ways with a number of different roles: a lawyer, with over two decades of practice in the territory; a public servant dedicating his power and energy to Yukon's power and energy; a member of this Legislature, representing the former constituency of Riverside for eight years; a leader, guiding the Yukon Liberal Party in an interim capacity; a volunteer with groups like the Royal Canadian Legion, the Salvation Army, and the Learning Disabilities Association; a territory-wide representative serving as an esteemed Commissioner for five years as well; and an inaugural inductee of the Order of Yukon, joining others who have been bestowed the highest honour for significant contributions to the advancement of Yukon society.

While these are some of the roles that Jack held throughout his life, he is held in our hearts for more personal reasons: for his kindness, for his charm, and for his humour; his bipartisanship and the respect that he garnered from individuals of every political stripe; his commitment to bridging communities together, as shown by his ecumenical and interdenominational work with the Braeburn camp, for example; his mentorship to those who have gone on to shape the territory, including many of the people who are in this room today, and undoubtedly whom he influenced and who will continue to improve and build upon the Yukon in the years and decades ahead because of his mentorship.

Speaking of this room, Mr. Speaker, we can see first-hand the legacy of Jack Cable right here. His son currently serves all MLAs with remarkable professionalism as the Clerk of the Yukon Legislative Assembly, and we are all grateful for his hard work every day. His daughter, whom Jack had the pleasure of serving alongside as an MLA — also representing residents of Riverdale as a member — joins us here today as well. His grandchildren, the finest example of a legacy that anyone can demonstrate, honouring their grandfather's legacy with their presence here today — we are so appreciative to them for what Jack gave to all Yukoners.

Commissioner Cable was a role model. He was a mentor. I remember reading a statement issued from former Member of Parliament Larry Bagnell after Jack left us, which expressed how the Commissioner had been a long-time advisor for Larry and also a friend, and he had even been the one to convince him to enter into politics to begin with. I think that many of us feel very similar to Larry — that we can all think about how Jack convinced us about public service if you had the opportunity to

talk shop with him. On behalf of Yukoners, that's one of the greatest callings and responsibilities that one can find and take on in life.

On a personal note, Mr. Speaker, I'll remember Jack for his fairness. I know that there are lots of stories about going for lunch with Jack. As the lone Liberal — and he was the lone Liberal — we had a lot to talk about in my first few years. It was always interesting because he would never let me just outright pay for the meal. "We'll flip for it, sport" is usually what he would say. I see other people recognize that as well.

Even though I gained a lifetime of knowledge in those conversations with his kindness and his knowledge that he generously gifted me, he still wanted to be fair in who pays the tab.

So, on behalf of all my colleagues, and the rest of the Yukon Liberal government, I extend my deepest condolences to all friends and family of Jack on his passing. While we are saddened by the loss of Jack, we can take solace in knowing that, thanks to his immense service to Yukon, the Yukon is a better place. Thank you very much, Mr. Speaker.

*Applause*

**Ms. Van Bibber:** I rise today on behalf of the Yukon Party Official Opposition to pay tribute to Ivan John (Jack) Cable.

He was born in Hamilton, Ontario, on August 17, 1934. Perhaps being born on the Klondike Gold Rush anniversary is the reason he was meant to come to Yukon.

Jack was a scholar. He had a bachelor's degree in chemical engineering, a master's degree in public administration, and a law degree. Jack was also a commanding officer of the Royal Canadian Engineers battalion militia in Kitchener, Ontario in the 1960s. He was a major, and the military helped to fund his education.

In 1970, he arrived in Whitehorse to work with the firm Neilson, Hudson, and Anton. Jack was sure that he was doing the right thing for his family.

Later he formed a partnership with Lueck, Pitzel and Cable and served many years in the law business. He was involved in many other endeavours, such as president of the Yukon Energy Corporation and the NCPC director. He was very active in the United Church. Jack was attracted to the political goings-on, and he expanded that interest by running for political office. He put his name forward and was first elected in October 1992 as MLA for Riverside and was the interim Liberal leader as well during that time. He ran a second time and retained his seat until the year 2000. He was appointed Commissioner of Yukon under the leadership of Premier Pat Duncan.

After five years, 2000-05, of events and speeches, he was happy to retire to his ranch on Takhini Hot Springs Road, growing potatoes, veggies, and the stand of Christmas trees where the proceeds from the tree sales were donated to charities.

I had the pleasure of being the Administrator of Yukon under the guidance of Jack Cable. On meeting him, I joked and I teased. At first, I wasn't sure if he had any sense of humour.

Oh, he did — a dry sense of humour — and we had many laughs together.

One story of a time in history — I was a newly appointed Administrator, and Jack left for the Governor General's annual gathering for Lieutenant Governors and Commissioners in Ottawa. My job was to fill in, should I be needed to sign official documents and attend events should Jack be invited, and also to fill in to ensure that the territory's business didn't stop. On September 11, 2001, I received a call from the Executive Council Office with a message to stand by. We had a hijacked Korean plane in our airspace, and I might have to sign emergency documents. Everywhere in town was in chaos as Whitehorse tried to understand what was happening, where to go, where their children were, and the list goes on and on. With US fighter jets circling high overhead, the Korean jumbo jets, not one but two — a cargo and a passenger plane — landed, casting a giant shadow over our little town. As we know, it was a misunderstanding, but it woke us to the reality that we are world connected, and it could have been something entirely different.

On Jack's behalf, I spoke at a memorial gathering several days later in this building to pay respect to the people of New York.

On his return, he complimented me and said, "I hear you have been speechifying." We then shared what it was like in different spots of Canada on that day.

Jack was very kind and generous to me. His wisdom and mentoring helped me to step into the Commissioner's role when he retired and I was appointed. By giving me opportunities that other administrators generally don't get, he had me attend with him on many occasions so that I could experience first-hand what was going on within his office.

In memory, we must always remember that there is a family behind any public figure, and we thank all of Jack's family for sharing him and supporting him. I was honoured and blessed to have his friendship, and I know that people will remember him as a quiet, direct Yukoner.

Rest in peace, Jack.

**Ms. White:** I rise on behalf of the Yukon NDP to tribute and celebrate the life of Jack Cable. Since his passing, stories of his accomplishments in life have filtered through the community, and looking up into the gallery, I realize that it was far more connected than I ever realized.

So, today, as I listen to my colleagues speak of his many accomplishments, both as a member of this Assembly and as the Yukon Commissioner, there is a lot to ponder, but I know that there are even more stories of him as a father, as a husband, uncle, brother, and especially grandfather and great-grandfather.

I offer thanks and appreciation for all of the contributions that Mr. Cable made throughout his life and offer our sincere condolences to his family and to the broader community who miss him.

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

Are there any reports of committees?  
 Are there any petitions?  
 Are there any bills to be introduced?

## INTRODUCTION OF BILLS

### Bill No. 8: *Workers' Safety and Compensation Act* — Introduction and First Reading

**Hon. Mr. Mostyn:** I move that Bill No. 8, entitled *Workers' Safety and Compensation Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister responsible for the Workers' Compensation Health and Safety Board that Bill No. 8, entitled *Workers' Safety and Compensation Act*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 8 agreed to*

**Speaker:** Are there any further bills to be introduced?  
 Notices of motions.

## NOTICES OF MOTIONS

**Hon. Mr. Mostyn:** I rise to give notice of the following motion respecting committee reports:

THAT the Standing Committee on Rules, Elections and Privileges' first report, presented to the House on October 7, 2021, be concurred in; and

THAT the amendment to Standing Order 11 of the Standing Orders of the Yukon Legislative Assembly, recommended by the committee, limiting tribute speeches to three and a half minutes be adopted.

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

THAT this House urges the Government of Yukon to fully cooperate with the systemic review of school safety and supports at Hidden Valley Elementary School, after the conviction and sentencing of an educational assistant formerly employed at the school, by the Child and Youth Advocate by:

- (1) waiving Cabinet confidentiality to allow the Child and Youth Advocate access to Cabinet documents;
- (2) disclosing all ministerial briefing material related to the issue;
- (3) providing any and all other materials requested by the Child and Youth Advocate;
- (4) waiving all solicitor-client privilege for the purpose of allowing the Child and Youth Advocate access to legal advice provided from August 2019 to October 2021 in respect to the arrest and conviction of the former educational assistant at Hidden Valley Elementary School; and
- (5) completing all of the above within 14 days of the passage of this motion.

I also give notice of the following motion:

THAT this House urges the Minister of Education to release an unredacted copy of the minister's 2021 post-election transition briefing binder and a copy of the 2021 Spring Sitting briefing binder.

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

THAT this House urges the Government of Yukon to complete the regulations pursuant to the *Condominium Act, 2015* and finally bring the act into force.

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

THAT this House urges the Minister of Community Services to work with the residents of Keno City and Johnsons Crossing to ensure that they have adequate access to a solid-waste facility in their respective areas.

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

THAT this House urges all ministers in the Liberal government to recognize the importance of responding to the people of the Kluane area by:

- (1) acknowledging that they have received correspondence from citizens who have written letters to ministers; and
- (2) responding to their concerns in a timely and respectful manner.

I also give notice of the following motion:

THAT this House urges the Premier and the Minister of Community Services to respond to letters from people in the Kluane area who have written to them about their plans to shut down the Silver City transfer station.

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

THAT this House urges the Government of Yukon to avoid the imminent closure of the City of Dawson's recycling centre by working with the Conservation Klondike Society and funding the building of a modern recycling depot for the City of Dawson.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to delay the closure of the transfer stations at Silver City, Keno City, Braeburn, and Johnsons Crossing and work with Yukon's heritage communities to develop creative solid-waste solutions.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to postpone legislative amendments to the *Municipal Act* and *Assessment and Taxation Act* regarding the creation of the energy retrofit program until the Association of Yukon Communities and Yukon municipalities and communities have been briefed and consulted on:

- (1) the impact these changes will have on administration and staffing workloads; and
- (2) how each community will be fairly compensated for this extra administrative work
- (3) and have signalled their readiness to implement the program.

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

## MINISTERIAL STATEMENT

### Single-use shopping bags

**Hon. Mr. Clarke:** Waste is an issue here in the territory and around the world. Disposing of waste is expensive, requires significant effort, and, when not done properly, negatively impacts our environment. We know that single-use shopping bags are now just one aspect of the waste problem that we face today, but reducing their use and disposal is an important step that we can take to address waste in our territory.

As of January 1, 2022, single-use shopping bags will be banned in the Yukon. Reusable bags, as well as other reusable products, are in most of our homes already. We all just need to use them more. This is about making new habits. This is why we are giving Yukoners three months to get into the habit of bringing their own bags with them every day.

We are also giving retailers enough time to adapt to these new changes and to use up their supply of single-use bags. We have a suite of signs, posters, and stickers that retailers can get from the staff of the Department of Environment to help people remember to BYOB — bring your own bags.

The simple fact is that plastic waste is a problem, whether it's the bags strewn in trees around our waste management facilities or the microplastics in our waterways. Paper bags are not so great, either. While they do not create the same stress on the waste management systems, as a biodegradable option, paper bags are resource-intensive to make. Their production contributes to the release of chemical by-products, pollution, and emissions, and their transportation to the Yukon from producers in the south only adds to their overall emissions.

A ban on paper shopping bags will come into effect a year later, on January 1, 2023.

Either way, the message is the same: We can all do better. We can all think about decreasing our reliance on single-use products that quickly end up in the trash. The ban on single-use bags is just one of the steps that we are taking toward a broader ban of single-use plastics in the Yukon.

It also aligns with the Government of Canada's plan to achieve zero plastic waste by 2030, and it aligns with what we heard from Yukoners. Since 2019, we have been talking to Yukoners, First Nations, businesses, and organizations about this issue. Our initial engagement asked about charging a fee for single-use bags. What we heard was that, generally, people preferred a ban to a surcharge, and last year our government made a commitment to ban single-use bags.

Yukoners can be proud to be part of our efforts to reduce waste in the territory. You can find out more at [yukon.ca/bagban](http://yukon.ca/bagban). We can all do some heavy lifting by using reusable bags.

**Mr. Istchenko:** Thank you for the opportunity to respond to this ministerial statement, Mr. Speaker. First of all, I need to acknowledge that solid waste is a big concern in my riding and in others around the Yukon. We're all doing our part to reduce our waste — recycling, composting, using free stores.

Kluane residents do care about the environment. The Yukon Party wants to do our part to reduce the waste that we produce.

On this topic today, this is another example of the Yukon government dropping the ball on consultation. Much like the transfer station issue, there has been a lack of consultation with the single-use bag ban. In this case, instead of residents who are up in arms over a lack of answers from the government, it's business owners who are left literally holding the bag, wondering what's going on. The order-in-council making the single-use bag ban was puzzling to anyone who read it. The OIC signed on September 29 changing the *Environment Act* gave two potential dates for the ban to take effect. One was October 1, 2021; the second date listed, according to the OIC, had the new rules taking effect on the day the OIC is filed with the registrar of regulations.

A press release issued on mid-Friday afternoon on the potential first day of the new rules listed the effective date for the ban on the plastic bags as January 1, 2022. Paper bags would be outlawed a year later. This is another example of the government forgetting to communicate until after they have brought a policy forward. We did a quick check with a few of the shops that use single-use bags and they were completely unaware of when and how the ban was taking effect. They didn't know what their obligations would be or what they would be expected to do. Even with the new date of January 1, they were not consulted on how the ban would be implemented.

With all due respect, while the members across the way say that three months is enough time for the businesses to adapt, how would the minister even know since he never even spoke to or consulted any of the businesses before bringing the policy into effect? Telling people what's good for them and failing to meaningfully engage Yukoners has been a bit of a common theme here with this Liberal government during their past five years in office. The lack of consultation with Yukoners has been worse since the CASA as the Liberals implement some of the NDP's priorities.

So, on behalf of affected business owners, Mr. Speaker, how does the Liberal government plan on hearing their concerns about implementation? How will they incorporate their concerns?

In the meantime, Mr. Speaker, a separate OIC amends the *Summary Convictions Act* to make the unlawful supply of single-use bags an offence. So, after January 1, if a business has customized single-use plastic bags left over, what do they do with them? They can't send them back to the supplier and they break the law if they use them, so businesses will be left to throw out single-use bags without them having a single use.

While we agree that we all need to reduce our reliance on single-use items, we do take issue with the lack of consultation and the lack of planning by the Liberals. This government needs to do a better job of engaging with affected Yukon people, organizations, and businesses.

**Ms. Tredger:** To understand the true impact of plastic, we need to think about its entire life cycle. There is the oil used to make it. We also have to factor in the extraction of the oil with all the environmental and social damages that these

projects cause. Then there are the pipelines transporting the oil to the factories and all the leaks along the way. There is the lengthy process of turning the raw material into plastic. Then there is where it ends up. Is it recycled or is it incinerated, releasing more greenhouse gases? Does it end up on a beach or shredded into pieces that work through our waterways?

We have known for a long time that reducing our use of plastics is a priority for Yukoners. In the past years, we have heard over and over again that Yukoners were leading the way, and they were waiting for government to catch up. Mayo, Dawson, and Carmacks already had single-use plastic bans in place, but when the Yukon NDP brought forward a motion to do the same, the government told us that a ban wasn't possible.

Later, we were told that it was possible, but it would take a while. In November 2019, my colleague, the Member for Takhini-Kopper King, tabled another motion, this time urging the government to stick to its original timeline of a ban by the spring of 2020. They said that they thought they could do it by the fall of 2020. Both timelines sailed past.

When we were negotiating with the Liberals, we made it one of our priorities along with dental care, aggressive climate change targets, and a minimum wage increase. We secured a commitment to ban single-use plastic bags in the Yukon. When the political will is there, it's amazing what can happen.

Now, our current supply of plastic bags isn't going to disappear overnight, so we also need to make sure that the plastics we still rely on can be recycled. That means recycled by everyone, not just Yukoners living in Whitehorse. Unfortunately, that is not the direction that the Liberal government seems to be going in. Dawson's Conservation Klondike Society announced just yesterday that they are closing Dawson's recycling centre. Let me say that again: The hub of recycling in central and northern Yukon is closing. Why? According to them, a decade of meetings, red tape, and ultimately empty promises — this committed group of volunteers has been left on their own to manage recycling in their community. After a decade of fighting for support, they can't continue, so Dawson and the nearby communities will no longer have a place to recycle.

Meanwhile, in communities across the Yukon, transfer stations are being closed, so Yukoners living in these places don't even have a safe place to take their garbage, never mind their recycling. What kind of standard of living are we providing our citizens when they don't even have a place for their garbage? How can we possibly say that we're acting to protect our environment when we aren't even supporting our citizens with basic waste management?

So, yes, I am proud that the Yukon NDP has secured a ban on single-use plastic bags, but I hope that every step of the way toward meaningful climate action and environmental protection will not be such a fight.

Yukoners have made it clear that they want action. They want action to support rural and urban Yukoners with waste management and recycling. They want action on environmental protection and action on our climate. Yukoners are clear: We have shown that when there is political will, it can happen. It is time for our government to listen.

**Hon. Mr. Clarke:** Thank you, Mr. Speaker, and thank you for the comments from the Member for Kluane and the Member for Whitehorse Centre. They actually agree with each other in my view, because one says that it took too long and the other says that there was not enough consultation. In fact, it was because there was a great deal of consultation, so in some respects, the members are agreeing with each other.

Mr. Speaker, we have engaged with Yukoners and businesses extensively about this issue. Back in 2019, we were considering introducing a fee on single-use shopping bags. We proposed the idea and solicited feedback. What we heard from industry, retailers, and Yukoners was that they would prefer a simple ban on bags. In response to that, last year, our government made a commitment to ban single-use bags. We went back out to speak to Yukoners and stakeholders again at the start of this year. We made it clear that the bag ban was happening and what we really needed were specifics on the rollout. We asked how we should do it — timing and exemptions — because it was no longer a matter of “if” but “how” and “how soon”. We wanted to make sure that we had a good understanding of how we would implement this in a way that worked for our industry partners. We all have a role to play in waste management in our territory, and we need to work together.

We advertised in social and traditional media. We engaged directly with stakeholders, including stores, restaurants, chambers of commerce, local governments, and other interested groups, including the Whitehorse Chamber of Commerce and the Association of Yukon Communities. I would like to thank all the officials at the Department of Environment for their work on this important engagement. We heard that folks still support the ban, but we wanted to ensure that there were clear and reasonable exemptions for things like take-out food, automotive tires, and prescriptions, among some other exemptions.

We also heard “plastic first; paper later”. The ban comes into effect for plastic bags on January 1, 2022, and the ban for paper comes into effect one year later on January 1, 2023. This is all documented in the “what we heard” report and was incorporated into the regulation that we passed last month to bring this into force.

Alleging that we introduced the ban secretly without telling businesses is not responsible, and nothing could be further from the truth. This is not the leadership that Yukoners expect of our territory.

We have heard clearly that we need to take leadership on improving waste management in our territory. This is what we are committed to doing with our partners. Please be aware that the estimated average amount of waste generated per person in 2018 in Whitehorse was 620 kilograms and was reduced slightly to 570 kilograms per person in 2019. The Canada-wide goal to reduce, to meet our 2030 targets, is 490 kilograms, which is still a lot of weight per person, in my view.

In any event, I am excited to be part of a government that is striving to be part of the solution to reduce our waste.

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

## QUESTION PERIOD

### Question re: Sexual abuse in elementary school

**Mr. Dixon:** Over the past number of days, we have asked the current Minister of Education to offer some sort of explanation for why she was allegedly kept in the dark by her Cabinet colleagues and her deputy minister about the sexual abuse of students by an educational assistant at Hidden Valley school. So far, the minister has been unwilling or unable to offer any sort of explanation, so I would like to turn my questions now to the Deputy Premier.

It is clear from documents uncovered by the CBC that the former Education minister clearly knew what was going on. So, can the former Minister of Education explain why she did not let the current minister know what was going on?

**Hon. Ms. McLean:** I welcome the opportunity to stand once again to speak to the parents and speak to Yukoners about this very serious incident that happened at Hidden Valley in 2019 and to express to Yukoners how seriously our government has taken this situation. Over the last day or so, I have spoken a great deal about what has happened and the steps that we are now taking to address the situation.

I want to go back. As soon as Education officials learned of the allegations in 2019, the individual was immediately removed from the school and has not worked with children since and, of course, is no longer an employee of Government of Yukon. Hidden Valley school administration changed their protocols to increase safety to students and reinforce accountability. We informed the RCMP, and we expected them to undertake a complete and thorough investigation of this matter. Yukon RCMP have initiated a complete review of their own investigation.

Mr. Speaker, there were mistakes made in 2019. Again, we are working toward a full and thorough investigation into these matters.

**Mr. Dixon:** With all due respect, the Minister of Education has made it very clear that she had no idea about this, and so it really shouldn't be her answering the question. The question is specifically for the former Minister of Education, the current Deputy Premier. She was the Deputy Premier and was the Minister of Justice and the Minister of Education at the time.

We know, from the briefing notes and materials uncovered by CBC, that she had letters and briefing notes sent to her about this issue right up until the election. So, we know that she was well aware of what was going on.

The question is: Why, when a new Minister of Education was sworn in and took over the file, did the former minister choose to cover this up and keep her colleague in the dark and not brief her?

**Hon. Ms. McLean:** I think, again, what Yukoners need to know, for sure, is that what is very important are the steps that we're taking right now to address this situation. The independent review will help provide answers to all of these questions. The independent review will look into our internal and interdepartmental processes in 2019 and up until now,

when allegations in 2019 of child abuse were brought forward to the Department of Education staff.

It will also include a broad and comprehensive review of established government policies, procedures and operations, reporting, and, of course, communication, which is what is at the heart of the questions that the member opposite is asking, to address serious incidents in schools.

I am committed to seeing this through in a timely manner, Mr. Speaker. I tabled the terms of reference for the independent review yesterday. The work has started. We are also supporting the review from the Child and Youth Advocate, which is also underway, and as I have said, the RCMP are reviewing their investigative process in 2019.

**Mr. Dixon:** It's difficult to understand why the minister who, by her own admission, knew nothing about this is now being hung out to dry on this, and the minister who actually knew about it is staying silent. It's difficult to think of a better way to undermine your colleague than to cover this up and leave her in the dark about such an important and pressing issue.

If the current minister wasn't aware of what was going on, then she shouldn't be the one answering for this; it should be the former minister.

So, I will ask again: Why didn't the former minister let her colleague know what had happened?

**Hon. Ms. McLean:** Mr. Speaker, I will repeat probably exactly what I just stated. I think that what is important to Yukoners, the families, and the school community to know are the steps that we are now taking to address this situation and to get to the bottom of the questions that are being posed. The independent review will look into the internal and interdepartmental processes of 2019 until now, when allegations of child abuse were brought forward to Department of Education staff. It will include a broad and comprehensive review of established government policies and procedures around operations, reporting, and communications to address serious incidents in schools.

I am committed, as I have stated many times, to seeing this review through to get the answers for Yukoners and to bring that information back to the families, school community, and Yukoners in a timely manner. The terms of reference point to a target date of January 31, 2022. If we can complete the review before that, we will endeavour to do so and we will bring it forward to Yukoners.

### Question re: Sexual abuse within elementary school

**Mr. Cathers:** Through access to information, CBC has uncovered briefing notes and documents that went to the former Minister of Education in relation to sexual abuse at Hidden Valley school. One letter, drafted in late 2019, was to be sent to parents at the school to let them know what was going on.

Can the former Minister of Education, the Deputy Premier, tell us why she did not ensure that this letter was sent to parents?

**Hon. Ms. McLean:** Thank you again for the opportunity to stand and speak to these important matters that are facing our



Yukon families, particularly at the Hidden Valley Elementary School and the Department of Education.

We have acknowledged that it was a mistake that other parents were not made aware of the situation and that steps could have been taken at that time to better inform and support families. Apologies have been made. I have made those apologies directly to families in a closed meeting on September 22. I did so in the humblest way that I could possibly do it — as a mother, as an auntie, and as a person who spent their lifetime, Mr. Speaker, working to protect children and to protect vulnerable people.

In 2019, if the RCMP had done a full and comprehensive investigation, we would not be in this situation. The RCMP have now admitted and apologized for failing to properly investigate this matter. That's a fact.

Thank you very much, Mr. Speaker.

**Mr. Cathers:** We see the Deputy Premier continuing to hide behind her colleague, but she was the minister at the time and people deserve to hear the answers from her. It has become clear that there were staff at Hidden Valley school and in the department who were trying to do the right thing and let parents know what had happened at the school so that they could talk to their children about it. But somewhere along the line when the letter arrived in the hands of those responsible for running the department, a decision was made not to send the letter to parents. From the documents uncovered by CBC, it is clear that the minister would have been aware of the letter.

So, can the former Minister of Education, the Deputy Premier, please explain why this letter was not sent?

**Hon. Ms. McLean:** Those are all very important questions. Thank you very much for posing them. I have launched an independent review of the Government of Yukon's response to the situation at Hidden Valley school in 2019. This is a commitment that I have made to the parents of Hidden Valley school. The independent review will look into our internal and interdepartmental processes, which will include, of course, a comprehensive review of established government policies and procedures around operations, reporting, and communications to address serious incidents in Yukon schools. It will include reviewing how the departments of Education, of Health and Social Services, and of Justice work together to respond to serious incidents in schools and how they interact with the RCMP. I think that this is the key point here — in terms of how the communications happen when there are publication bans and restrictions.

I am committed to seeing this review through. I will walk with the families, the school community, and Yukoners through this process, and we will have a thorough report.

**Mr. Cathers:** Parents have a right to answers from the Deputy Premier about what happened when she was Minister of Education. We know that the principal had a letter ready to send to inform parents in late 2019. Staff wanted to do the right thing, but then the former minister got involved. We know she was briefed on the issue, and undoubtedly, she saw the draft letter.

Did the Deputy Premier, the former Minister of Education, give the direction to not send that letter to parents — yes or no?

**Hon. Ms. McLean:** Thank you very much, Mr. Speaker. Again, I will continue to do my best to answer the questions on the floor. I am now leading this Department of Education, and we are taking action to rebuild the trust and to restore confidence in our school system. We have acknowledged that it was a mistake that other parents were not made aware of the situation and that steps could have been taken at the time to better inform and support families.

Mr. Speaker, again, I have launched an independent review. I am not going to go over that again right now because I have already said it several times today. We are also cooperating with the Child and Youth Advocate on the review that she has launched, and there is a review of the RCMP's investigation, or lack of investigation, in 2019. I am committed to seeing these reviews through and to being accountable to the families and, of course, the children of Hidden Valley and to Yukoners.

### **Question re: Sexual abuse within elementary school**

**Ms. Blake:** The situation at Hidden Valley is just one example of the government's indifference and inaction, but it is not the first. For years, Yukon families who have suffered abuse have been left to deal with the devastating impact of trauma with no support. There are just so many gaps in the system. In this House, the minister has repeatedly evaded questions by saying how hard this has been for parents and children, so let's talk about Yukon families.

Can the minister tell us exactly why it took her almost two months after the abuse was made public to start directly talking with parents, and why, after four months of public pressure, are we still hearing from families who say that support is lacking?

**Hon. Ms. McLean:** As I have stated repeatedly — and I have talked a little bit about my commitment, of course, as a mother, as an auntie, as a person who has worked their entire career in the protection of children or those who are vulnerable — there is nothing more important than the well-being, safety, and protection of students when they are in our care. We are focused on moving forward in a way that supports the children and families of Hidden Valley school. We acknowledge, of course, that mistakes were made, and we have apologized for that.

The RCMP have acknowledged their failures in this and have launched their own review. As soon as Education officials learned of the allegations in 2019, the individual was removed from the school. I've talked about that.

Changes have been made to protocols to increase safety to students. This includes no alone zones and other actions that the school has put in place. We have ensured that additional supports are available at the school including an on-site social worker to coordinate supports, providing health and wellness resources, providing education supports around sexual health, and reporting sexualized abuse. I will continue to build on this answer as we go forward.

**Ms. Blake:** While we look forward to the outcomes of this review, the government must act now. For years, parents, students, and teachers have asked for counsellors on school

sites. The Child and Youth Advocate and so many other organizations have repeatedly asked for counsellors and more support for children and youth that are responsive and accessible, yet it took a media leak for government to finally scramble to action. Trauma does not wait for independent reviews or non-action from the department.

I will ask more clearly this time around: What actions will the minister take to support Yukon parents and students before the independent review is published?

**Hon. Ms. McLean:** I'll continue on with the answer that I was giving in the last question.

We have ensured additional supports are available at the school, including an on-site social worker to coordinate supports, providing health and wellness resources, providing education supports around sexual health, and reporting sexualized abuse. This work is being supported by public health nurses as well. These are steps that have been taken to protect and support the students at Hidden Valley Elementary. I have launched a comprehensive and independent review of our government's response to the incident.

We'll continue to work closely with the Hidden Valley school community. I will ensure that we get to the bottom of what happened.

I know that you're talking about the supports now. There is nothing more important than that — supporting the children and families and the community and helping them to move forward.

I think that is something I have heard directly from families. They really want to move into the school year in a good way, and they have a long healing journey ahead of them. I am prepared to walk with them through that.

**Ms. Blake:** Mr. Speaker, when a child is harmed, they require immediate support, but government is selective when it decides to support our children. Over and over again, they have failed to support our children in Yukon. When children in this territory come forward to report harm, the government has disbelieved them, cast them aside, and refused to offer real help. From youth who came forward about group homes in 2018 to the current situation at Hidden Valley school, government needs to do better.

Is the minister going to wait for another crisis, or will she make real changes now to help Yukon children and youth?

**Hon. Ms. McPhee:** Mr. Speaker, ensuring the safety and well-being of children is, as my colleague has said, one of our top priorities. Family and Children's Services and Mental Wellness and Substance Use Services — both units in the Department of Health and Social Services — continue to be available to provide support to all Yukon families and the families at Hidden Valley Elementary School.

The Department of Health and Social Services is working closely with the Department of Education to provide resources to students, families, and staff and to respond to any additional needs and concerns that they identify, taking their lead.

The Mental Wellness and Substance Use Services branch is available to provide families with assistance, such as counselling and mental wellness services, and includes services offered by the child, youth and family treatment team,

including counselling, outreach, and youth intensive treatment services.

Mr. Speaker, on-site counselling and outreach services are being provided at Hidden Valley Elementary School by Mental Wellness and Substance Use Services.

#### **Question re: Sexual abuse within elementary school**

**Mr. Cathers:** Mr. Speaker, we know, as a result of documents received through ATIPP, that when the current Deputy Premier was Minister of Education, she was briefed on the Hidden Valley school situation. Those briefing notes are from late 2019 and from 2020. She knew about it, yet we have heard repeatedly from the current Minister of Education that she was unaware of the serious situation until she heard about it from media reports in July 2021.

The Deputy Premier also serves as Attorney General. As Attorney General, she has the duty to tell all of her Cabinet colleagues and to advise them of any important legal matters that she becomes aware of, especially regarding her portfolios.

Why did she not tell her colleague, the new Minister of Education, about the Hidden Valley school abuse situation?

**Hon. Ms. McLean:** Thank you very much, Mr. Speaker, and thank you again for the opportunity to speak to this very important matter and to speak to Yukoners. I think what is very important are the steps that we are taking to address the situation. The independent review will help to provide answers to all of these questions that have been posed. The independent review will look into our internal and interdepartmental processes in 2019 and to now, when allegations of child abuse were brought forward to Department of Education staff.

It will also include a broad and comprehensive review of established government policies and procedures around operations, reporting, and, of course, communication to address serious incidents in schools.

As I have stated several times, I'm very committed to this process and seeing it through. This will include reviewing how the departments of Education, of Health and Social Services, and of Justice work together to respond to serious incidents in schools and how we interact with the RCMP. Of course, parents, families, guardians, and students at Hidden Valley Elementary School will be involved in the review along with partner organizations and agencies, including the RCMP.

**Mr. Cathers:** It's time for the Deputy Premier to stop hiding behind her colleagues. Yukoners deserve answers. We all know that, in late 2019, the current Deputy Premier and Attorney General was fully aware of the Hidden Valley school situation and charges filed against the offender. She was briefed again in 2020, yet we have learned from her colleague, the current Minister of Education, that her colleague, the Deputy Premier, never told her about this important legal matter when she took over from her. The Attorney General kept her colleague in the dark for over two and a half months after she took over the department, and the Minister of Education learned about this serious matter from CBC.

How can the Attorney General justify covering this up and not informing her colleague of this very serious legal issue?

**Hon. Ms. McLean:** Again, I want to speak to Yukoners, speak to the families, and speak to the Hidden Valley school community when I stand to speak about this important matter. I know that every time we are speaking about this, it's impacting the community. What is very important are the steps we are taking to address the situation.

Again, our commitment is to put our efforts into the independent review, which will help to provide answers to these questions. The independent review will look into our internal and interdepartmental processes in 2019 when allegations of child abuse were brought forward to Department of Education staff. It will also include a broad and comprehensive review of established government policies and procedures around operations, reporting, and communications to address serious incidents in Yukon schools.

I have committed to see this review through and deliver it to the families, to the Hidden Valley community, and to Yukoners by early 2022. The target date for this is January 31. I look forward to continuing to have this discussion with my colleagues.

**Mr. Cathers:** Mr. Speaker, the Deputy Premier knows very well that, as Attorney General, she is the senior legal advisor to her Cabinet colleagues and has a duty to ensure that her colleagues are informed of any important legal matter that she becomes aware of, especially legal matters involving their portfolios. Yet the current Minister of Education has repeatedly told this House that she knew nothing about the Hidden Valley school sexual abuse matter until she heard media reports in July 2021.

I will ask again: How can the Attorney General possibly justify not informing her colleague, the new Minister of Education, of this very serious legal issue involving her department for months after she took over the portfolio?

**Hon. Ms. McLean:** I want to again go back to what is at the heart of this discussion that we're having here on the floor of the Legislative Assembly; it is the well-being of our children. I think that when we started this legislative Sitting, I asked folks to tread lightly, to be kind, and to be sensitive to what it is that we are discussing here today, and that is child sexual abuse that happened in our schools. We know that many people have been deeply impacted by this. Mistakes were made. That has been acknowledged, Mr. Speaker.

I have launched an independent review of the Government of Yukon's response to the situation at Hidden Valley Elementary School. I have made this commitment to families, to the parents, and to the school community. The independent review will look into our internal and interdepartmental processes in 2019 up to today, when allegations in 2019 of child abuse were brought forward to the Department of Education. I will see this through and Yukoners can rest assured —

**Speaker:** Order.

#### **Question re: Sexual abuse within elementary school**

**Mr. Dixon:** Mr. Speaker, the Minister of Education has acknowledged that mistakes were made and she has apologized for them. But she's not the one who should be apologizing, nor

is she the one who should be answering these questions. These are questions for the former minister: the questions about when the decision was made not to send a letter to parents and the decision about why the former minister didn't brief the current minister about the situation.

My question is very simple for the government: Why is the Minister of Justice — the Deputy Premier — refusing to answer these very straightforward questions that she has the answers to?

**Hon. Ms. McLean:** Again, I welcome the opportunity to stand and speak as the Minister of Education. I am now leading this department and we're taking —

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

**Speaker:** Order, please. The member has the floor. I need to hear what she has to say.

**Hon. Ms. McLean:** Thank you very much, Mr. Speaker. I am now the leader of this department, and we are taking action to rebuild the trust and restore competence in our school system.

We, as has been stated many, many times, acknowledge that mistakes were made in 2019. What is important are the steps that we're taking to address the situation. The independent review will help to provide answers to these questions that have been posed over the last several days. The independent review will look into our internal and interdepartmental processes in 2019 when these allegations of child abuse were brought forward to Department of Education staff. It will include a broad and comprehensive review of established government policies and procedures around operations, reporting, and communication. I think that's the key part here today — the communication to address these serious incidents in our Yukon schools.

Thank you very much, Mr. Speaker.

**Mr. Dixon:** Mr. Speaker, the Minister of Education has said that we need this independent investigation to get to the bottom of this. Well, we can get to the bottom of it right now, Mr. Speaker, if the Minister of Justice would simply answer these questions.

Why didn't she inform the Education minister upon her appointment as Minister of Education about this issue? Why did the letter that was drafted by the school administration, sent up through the department to her desk, not get sent to the parents?

These are questions that the minister can answer, and she is choosing not to. She is choosing to let the Minister of Education wear this instead.

Why won't the Minister of Justice — the Deputy Premier — answer these questions?

**Hon. Ms. McLean:** Again, I am so proud to be the Minister of Education and to serve Yukoners. I am now leading the Department of Education, and we are taking action to rebuild the trust and restore confidence in our school system. The steps that we are taking now are important steps to address the situation. The independent review will help to provide the answers that are being sought. The department review, again, will look into our internal and interdepartmental processes in 2019 when allegations of child abuse were brought forward to

Department of Education staff. It will include a broad and comprehensive review of established government policies and procedures around operations, reporting, and communication to address serious incidents such as this. It will include a review of how the departments of Education, of Health and Social Services, and of Justice work together to respond to serious incidents in schools and their interaction with RCMP.

We are also working, of course, with the Child and Youth Advocate. The result of these two reports, plus the report and recommendations from the RCMP, will inform real change in our system, and I look forward to that.

**Mr. Dixon:** Mr. Speaker, we have heard from the Minister of Education that she knew nothing about this issue. We have heard that nobody told her in the department — and her Cabinet colleagues. Nobody told her about this issue, yet she is being forced to stand up here and read those notes prepared for her when she knows that the person who can answer these questions is sitting right beside her. The Minister of Justice, the Attorney General, and the Deputy Premier knows the answers to these questions and she is refusing to answer.

Why was the letter not sent to parents? Who made that decision? Why did the Justice minister not brief her colleague, the Minister of Education, about this important and pressing issue? These are issues that we don't need an independent investigation to solve. The minister sitting right there can answer them right now, and while the Premier is talking, he can get up also and answer how he can sit there and listen to his minister provide no new information when the minister who does know about this is sitting right beside him.

**Hon. Ms. McLean:** Again, I believe that the steps that are being taken now are important steps, and I would refer to the terms of reference that I tabled yesterday in the Legislative Assembly.

Item 4 — at the conclusion of the review process, the reviewer will submit a detailed and timely report to the Department of Education, which will include findings of fact related to the response of the Department of Health and Social Services, the Department of Education, and the Department of Justice to the incidents in 2019 at the Hidden Valley Elementary School and recommendations for improving government-wide policies and procedures to better support Yukon school communities. Again, our target is January 31 to have this report in hand.

I have spoken today about the supports that are in place for families who are affected by this incident and for the school community. We will continue to respond to that and to ensure that our department is providing what is necessary for the families and that we begin a process of healing.

I had spoken about this at the closed meeting on September 22 — about a restorative way of approaching this — and I'm committed to that.

**Speaker:** The time for Question Period has now elapsed, but I have one request from the Leader of the Third Party. She wanted to introduce some guests who arrived.

## INTRODUCTION OF VISITORS

**Ms. White:** I would like to invite my colleagues to welcome two very special people today in the gallery. We have Amy and Seamus Labonte. They are the very public faces of Cystic Fibrosis Yukon. The Cystic Fibrosis Yukon organization has raised way more money than you would ever expect. The community of Watson Lake — full kudos to the community of Watson Lake — has singlehandedly raised more than any small community across the country. Amy and Seamus are here today for very specific reasons, because, although they are the public face of cystic fibrosis in the Yukon, they are just representing many others. They are here today for a very important debate that they have worked very hard to get here. So, please welcome them as they sit here and participate.

*Applause*

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

## ORDERS OF THE DAY

### OPPOSITION PRIVATE MEMBERS' BUSINESS

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

##### Motion No. 112

**Clerk:** Motion No. 112, standing in the name of Ms. Blake.

**Speaker:** It is moved by the Member for Vuntut Gwitchin:

THAT this House urges the Government of Yukon to support Yukoners living with cystic fibrosis by providing full coverage for the drug Trikafta under the Yukon Drug Formulary.

**Ms. Blake:** Mr. Speaker, I would also like to acknowledge Amy Labonte as president of Cystic Fibrosis Yukon and her son, Seamus, who can also be seen in the gallery today. They are looking forward to seeing us do the right thing by covering Trikafta under the Yukon Drug Formulary.

First, I would like to give the House some background information on cystic fibrosis and Trikafta. Cystic fibrosis is a chronic illness. It affects the lungs and digestive system, because the body produces too much mucus. People with cystic fibrosis are on a constant rotation of medications, treatments, inhalations, surgeries, and more. Yukoners living with cystic fibrosis are required to travel down south regularly to see specialists and have a wide range of surgeries. That means that parents like Amy are constantly on the go to support their children's health.

Families' whole lives can be dictated by the health care routine and many other demands of cystic fibrosis. In a pandemic, people like Seamus are much more vulnerable to COVID. As I am sure you can guess, Seamus is a specialist with social distancing and guidelines for COVID, and yet he is still more vulnerable than many other Yukoners.

While we talk about this medication, the people who need it most are sitting in the gallery above us. These are real people, real Yukoners with families and stories and lives. They are

sitting here today to remind the government that they matter. They are here to see this government take action. They are here to see this House come together and pass our motion to provide full coverage for Trikafta.

We have been hearing a lot about putting people first. By covering Trikafta, we will put people with cystic fibrosis first.

Trikafta is a revolutionary drug. For decades, doctors and pharmacists have been treating the symptoms of cystic fibrosis. Those drugs and therapies can only do so much. Trikafta is a brand-name drug with no generic alternative. This drug costs up to \$300,000 US per year. No individual can afford that. None of us can afford that, so how can we stand here and expect families living with cystic fibrosis to afford it? Without coverage under the Yukon Drug Formulary, this miracle is out of reach for Yukoners living with cystic fibrosis.

Cystic fibrosis is one of the illnesses covered under the existing chronic disease program in Yukon, so why isn't this life-saving drug covered? Other provinces, like British Columbia, Ontario, Alberta, and Saskatchewan, have all made the right decision to cover Trikafta. Cystic fibrosis patients have celebrated these decisions across Canada. These decisions are giving them hope.

This drug doesn't just offer people with cystic fibrosis more time; it enhances all aspects of their quality of life. It completely changes life as they know it. This is why covering Trikafta would put people first. A drug like this means less surgeries, less trips to the hospital, less therapies, more quality time at home with their loved ones, and, hopefully, a more normal life.

**Mr. Cathers:** As the Official Opposition critic for Health and Social Services, I am pleased to rise in support of this motion. As members may be aware, I have also sent a letter recently to the Minister of Health and Social Services, urging the government to fund coverage of this medication for Yukoners who need it. I believe the total right now is four provinces that have already moved down the road of providing coverage for it. Quite simply, from my perspective, this is part of providing health care for citizens who need it, ensuring, as well, that if the treatment they need includes medication that would be beyond the reasonable means of citizens to cover, that government look at what they can do to provide the appropriate coverage to ensure that we don't have any Yukoners — or, indeed, any Canadian citizens — unable to receive the health care treatment that they need.

With that, I will conclude my remarks. Again, we will be supporting this motion.

**Hon. Ms. McPhee:** I'm pleased to rise today to speak to this important motion. I would like to note — as we have encouraged all along during the time that this government has been in office, encouraged the members opposite to speak to us about motions — matters — that they might find of importance and see whether or not we, too, support those processes — that one of the parts of the importance of having those kinds of conversations is that motions often ask this Legislative Assembly to make decisions that would bypass government

processes or the legislation that's required to be dealt with. I should note that we have been working on this important issue, despite the fact that it is very new, and the submissions made to this Legislative Assembly by the members opposite might recognize that.

What I would like to take some time to discuss is cystic fibrosis generally and then talk more specifically about the opportunities that are here before us.

As might have been noted, cystic fibrosis is the most common fatal genetic disease affecting Canadian children and young adults, Mr. Speaker. Who does not want to make that different?

Cystic fibrosis is a rare, progressive, life-threatening disease in which the formulation of thick mucus builds up in the lungs, digestive tract, and other parts of the body. It can lead to severe respiratory and digestive problems, as well as other complications, such as infections and diabetes.

Cystic fibrosis is caused by a defective protein that results from mutations in the cystic fibrosis transmembrane conductance regulator gene. While there are many known mutations of this gene, the most common is the F508del mutation. It's estimated that one in every 3,600 children born in Canada has cystic fibrosis. One in 25 Canadians carry an abnormal version of the gene responsible for cystic fibrosis, and when a child inherits two abnormal genes, one from each parent, the genetic disease occurs in a child.

Symptoms and the degree of severity of cystic fibrosis differs from person to person, but the ongoing infections and the loss of lung function eventually lead to death in the majority of people who have this terrible disease.

Mr. Speaker, the process for approval of drugs in Canada is an important factor in this motion. All drugs in Canada follow a standard review and approval process, with each step informing the next. This process involves: Health Canada approving a drug for use in Canada; the Canadian Agency for Drugs and Technologies in Health evaluating a drug and issuing a recommendation on whether to list the product on the drug formulary or list it with conditions or not list it; and the pan-Canadian Pharmaceutical Alliance negotiates pricing and criteria with drug manufacturers, as informed by the Canadian Agency for Drugs and Technologies in Health's recommendations.

The Yukon is a member jurisdiction and participant in the pan-Canadian Pharmaceutical Alliance.

Trikafta was accepted for priority review with Health Canada and received a positive final recommendation by the Canadian Agency for Drugs and Technologies in Health on August 30, 2021. On September 17, less than a month ago, Mr. Speaker, the pan-Canadian Pharmaceutical Alliance and the manufacturer of Trikafta completed negotiations and signed a letter of intent regarding the terms and conditions for funding this life-saving medication to treat patients with the most common cystic fibrosis mutation.

In the Yukon, the decision to list the drug for coverage is typically based on the pan-Canadian Pharmaceutical Alliance recommendations, along with British Columbia and Alberta listings. We closely work with them, because individuals can

have medical treatments in those jurisdictions, as well, so it makes sense that we would follow their lead.

This process of listing a product is initiated by working with the manufacturer on the listing agreement, prior to officially listing the drug on the drug formulary.

Once these processes are complete, the Yukon's formulary working group here in the territory will choose to list a medication on the Yukon Drug Formulary. This process includes doing a jurisdictional scan and usually following other jurisdictions, primarily British Columbia and Alberta, as I have said.

Yukon's drug formulary is often aligned with British Columbia to ensure a consistent level of care for Yukoners who may be prescribed drugs while out of the territory for medical travel. The federal government's non-insured benefits program does not follow the Yukon Drug Formulary, although we are hoping to work on that issue as well.

Trikafta is a triple combination of medications. It is used for the treatment of cystic fibrosis and has been shown to slow progression of the disease, to improve lung function, and to increase the median age of survival of a child born with cystic fibrosis by almost nine years. The chief scientific officer of Cystic Fibrosis Canada, Dr. John Wallenburg, has called Trikafta the "... biggest innovation in cystic fibrosis treatment..." and research suggests the drug could be effective in 90 percent of patients. Dr. Wallenburg says that Trikafta could have profound health benefits because it targets a faulty protein that causes the buildup of mucus that clogs the lungs and digestive system. I would like to take just a moment to quote Dr. Wallenburg: "This is a drug that by its mechanism of action is different from anything that most people with cystic fibrosis have been able to access in the past..." "We've been treating the symptoms of the disease for decades, and we've done great doing that, but this is a drug that goes in and corrects the basic defect."

To date, we have seen six other Canadian jurisdictions, all in less than a month, confirm funding for Trikafta for patients with cystic fibrosis: Alberta, Ontario, Saskatchewan, Québec, British Columbia, and just hours ago, New Brunswick have agreed. New Brunswick is the first Atlantic province to announce this funding, and Yukon is on track to be the first territory to cover this life-saving, life-changing medication. While eligibility criteria have not yet been published by Health Canada, the Canadian Agency for Drugs and Technologies in Health has issued a draft recommendation that would make the medication available to patients with less than 90-percent lung function.

Mr. Speaker, I recently heard from the president of the local Cystic Fibrosis Yukon chapter — and we have had Amy Labonte introduced here in the House. I am very happy that you are present with Seamus. The information that I received from Ms. Labonte was asking that Trikafta be covered in the Yukon.

Mr. Speaker, we all know that our lives have changed over the last 18 months due to the COVID-19 pandemic and how we have all had to adjust to doing things differently: staying six feet apart, wearing masks, and other things that we have all gotten used to.

This is nothing new, as has been mentioned earlier, for families living with cystic fibrosis. They live six feet apart, they wear masks, they wash hands, they stay home when they get sick, and they are all too familiar with the flu and how one episode can send them back to the hospital and to BC Children's Hospital.

Mr. Speaker, BC Children's Hospital is a place where I have spent many hours as a mother when I had a young child who was dealing with health issues, and I can only imagine a fraction of the stress that is brought by those visits to the BC Children's Hospital. It is a wonderful place; it has wonderful services, but nonetheless, the stress of dealing with a medically compromised child is perhaps unimaginable. It is something that I, too, have lived through, of course, in a different context, but something that my family had to deal with on a regular basis. While we are truly thankful for BC Children's Hospital, nobody ever wants to have to visit.

Some families living with cystic fibrosis are all too familiar with what has now become the new normal. I am pleased to advise that our government has been in the process prior to this motion being brought, prior to the House even sitting, but we have been working on a process to take the steps necessary to ensure that Trikafta is available for Yukoners with cystic fibrosis.

The Yukon government will be listing Trikafta over the next couple of months — I hope sooner. We are currently working on a product listing agreement with the vendor, and listing it on the formulary will follow. I note that, as has been said here already, the estimated retail price for this medication is over \$23,000 for 28 days — roughly \$300,000 per patient per year.

We truly hope that the Yukoners who are struggling with cystic fibrosis will be individuals who will benefit from Trikafta and the treatment that it brings. While we are not able to provide a definitive number — maybe it is something that Ms. Lebonte could do — of how many patients are here in the territory or who might be eligible, their medical teams will help — their medical professionals — will determine how this opportunity, I hope, will bring peace and a new opportunity for a lease on life and for experiences to Yukon families.

As I have noted, Cystic Fibrosis Yukon has been working closely with Cystic Fibrosis Canada to get Trikafta to Canadians living with cystic fibrosis. Clearly, as I have noted, New Brunswick just a few hours ago has determined that this is in fact something that they will provide as well.

I am supportive of this motion. I only caution that, if these kinds of motions could be presented or we could discuss them — we are certainly open to doing that, more importantly, so that everyone can understand that, when there are questions about these kinds of very important issues — I would like to be able to say without necessarily the formality of this process that we are in fact working on it, that we are in fact supportive, and that we are in fact very pleased that we will be quite likely the first territory to provide this kind of medication to the families who are so deserving. It is my hope as well that this medication will have the desired effect. The effect that has been quoted is

truly life-changing, and, of course, we are supportive of that and hopeful that Yukon families will benefit from that as well.

**Ms. Tredger:** On the first anniversary of Trikafta's approval in Canada, people wrote on Twitter about their experiences. They wrote about being able to sleep through the night without coughing and being off oxygen. They wrote about a whole year without hospitalizations, which hadn't happened to them in more than a decade. Someone wrote: "Because of Trikafta, I'm feeding tube free, after living with one for 20+ years."

I bring these up because I want to bring this conversation to people and their stories. When we talk about processes and the way things should happen, the way things move through government, and the steps that should be taken, I want us to come back to talking about people — the people who are living with cystic fibrosis and the people who will be affected by whatever decisions we take in this House.

I have a few stories that I would like to share. One blogger wrote about her experience. She wrote about how we all have heard the quintessential story of how a normal life is supposed to unfold: starting in childhood, when things are easy and carefree, moving through life and taking on more challenges until we reach old age.

She wrote: "I have essentially lived my life in reverse. I started my story in an unhealthy body and have worked hard during my teens and 20s to try to keep up with my friends and family who have lived their lives on opposite timelines.

"I have always been up for the fight to keep going, but the fight always came with consequences: missing time with family and friends, skipping out on events and travel, and living an overall careful, and sometimes timid, life to keep my sickness at bay. Then, everything changed for me."

She writes: "... I swallowed two small orange Trikafta pills. Although the drug was described as a 'game-changer' and a 'transformative medication,' I made sure to keep my expectations realistic. After only a few days on the new drug, my airways began to clear, the bags under my eyes began to vanish, and I started to feel a brand-new definition of healthy. I couldn't believe it. Now, here I am six months later, and I have not had a single CF exacerbation. I wake up with energy, I laugh without coughing, I can speak my mind without having to constantly clear my throat; but more than anything else, I've gained so much energy to live the day-to-day with intention and purpose ... If you were standing at the beginning of an obstacle course and knew you wouldn't be able to see your family and friends, explore the world, or accomplish your goals unless you climbed walls and jumped over hurdles, would you do it? Cystic fibrosis just happens to be my obstacle course, and Trikafta continues to break down the walls and hurdles I've fought through for the last 28 years."

Another person wrote her story, and I would like to share that. Her name is Samantha Roy. She talks about first being diagnosed with cystic fibrosis at age nine and then, through her life, things becoming more difficult as her illness worsened and worsened. She became very sick after her first pregnancy, improved a little bit after her second pregnancy. She was

hospitalized for nearly 90 percent of her second pregnancy. At that point, her health continued to decline and she spent most of her time in hospital.

She writes: "This really took a toll on both me and my family. My husband and mother tried their best, but there were many times when their best just couldn't compete with CF."

Then she writes about trying to get access to Trikafta. She writes: "When I first applied for Trikafta through the manufacturer's compassionate care program, my lung function hovered between 22-28% and antibiotics stopped working. I was in and out of the hospital, with little to no improvement ... After an anxious wait, I received the news: my application was denied."

She writes: "I always prided myself on my strength to find hope and keep pushing forward. But the compassionate care program denial was a difficult blow. I was the lowest I had ever been, physically and emotionally. Knowing that a drug existed and my life depended on getting it, but I couldn't access it or do anything about it, was so difficult."

Luckily this person was, later on appeal, able to get access to Trikafta, and within three hours of her first dose, she said that she noticed a noticeable difference. She writes: "Trikafta has saved my life, has given my kids a mom, and my husband an equal partner. Trikafta has given me a future that I couldn't see any more. Trikafta has given me the ability to do the simplest of tasks without effort, like sleeping, walking, and breathing.

"There are no words to describe what a miracle this has been for me."

Then she writes about how infuriating it is that there are still people who cannot access this drug, who are being told, like she was, that she couldn't access this thing that has changed her life.

She writes: "There is no excuse. Nobody should have to become as sick as I did in order to get access. We need to go further and do everything we can to provide justice for all Canadians currently suffering." That is what we have the opportunity to do here today.

I would like to leave you with one more story. "Becoming healthy and having stability is not something I could ever have imagined." This is written by a blogger with cystic fibrosis. She writes: "I haven't had a hospital admission in more than two years. Sure, I had a relentless hope that something would change, but to fathom what life would look like with stable health was incomprehensible to someone who had never had that. What do you do when you have lived your whole life diagnosed with a terminal illness and then are suddenly diagnosed with new health?"

She writes: "For me to say I pursued wild dreams with a chronic and terminal illness is empowering, and provides perspective for the mundane problems before me..." The mundane question is: "... what do I do with my life now?"

We have the opportunity today to give people the chance to ask themselves that question — what to do with their full lives ahead of them when they have coverage, when they have access to a miraculous drug like Trikafta. I really hope we all come together to do that.

**Ms. White:** It is not very often that, in this position, we can stand on the cusp of such a big decision. Although it may seem minor — and I appreciate the Minister of Health and Social Services saying it could have been done in different ways, but I signalled this in October 2020 when I tabled the motion, saying that the Yukon government cover the drug Trikafta.

It was because it was after the briefing that was facilitated with Ms. Labonte, with CF Canada, and it was then explaining to me how important it was.

When we talk about how the work that we do here — sometimes it doesn't feel like it makes a direct impact, but this is an example of a direct impact. The minister pondered how many people exist in the territory who could benefit from this right now, and I can say, with confidence, that we know for sure of five, but that's five individuals and five families and five sets of friends; that's five experiences, and that's maybe five separate schools, and it goes on and on.

So, this decision — this signal, this conversation — is critically important. I think about the lessons that I've learned from Seamus about patience, about adaptability, about how good you can be at playing videogames with FaceTime and technology at the same time, because, when COVID happened, Seamus' mom, Amy, explained that they were pros at isolation, because they lived a life where they had to isolate. If there was a cough or a flu going around, they really needed to bring it in because they needed to be cautious, because it wasn't worth the effects.

When we are on this point of making this kind of decision, I think this is the time when we should feel proud of the work that we do here in this Assembly, because there are not so many times that we will necessarily agree. I'm hopeful that this is one of those times, because the decisions that we make here will affect not just five Yukoners and their families, and their extended friend groups, but it means that future Yukoners — it means that people can choose to move here from other jurisdictions and not be limited by whether or not we cover this drug.

So, it's an incredibly heavy and big thing to be standing here today, knowing that we're on this cusp, knowing that we have a mother in the gallery who, after her son was born, 10 days later understood that life would be different. It's really exciting to be standing here and to say, well, life can be different again.

Seamus — it's a pretty big deal, and I look forward to hearing about all the effects and those changes.

Again, it's important to know that we have two folks here who are the face of cystic fibrosis in the Yukon, but they represent others. They made a really conscious decision that they wanted to share stories, and they wanted to share an understanding so that people could understand the challenges. Lots of folks aren't so public with that sharing because it's hard and it's vulnerable and it's open.

I look forward to the blog posts about the adventures that happen and the changes that happen and those things.

With that, Mr. Speaker, I'm incredibly proud that we are having this conversation here from different spectrums and different perspectives, and I'm optimistic for the vote.

**Hon. Mr. Mostyn:** Good afternoon, everyone — particularly Seamus and Ms. Amy Lebonte. Today we are talking about cystic fibrosis. We have all heard what others have had to say. We are also talking about funding Trikafta, a drug that can change the lives of people with that illness.

I'll tell you, it is a pleasure to speak to this important motion, sponsored by the Third Party, and I believe everyone in this Chamber will be supporting this motion this afternoon. That kind of cross-party cooperation is great to see, especially on life-altering matters such as this.

For those with a loved one struggling with this disease, this motion — the support it brings — will be welcome news and, I imagine, a relief. Throughout western society these days, Trikafta is transforming the lives of cystic fibrosis patients for the better, and we have heard from the Health and Social Services minister this afternoon how another jurisdiction in Canada has just signed on to offer this drug.

I want to note, for the record, before I get started, that my colleagues and I strive to improve the lives of Yukoners every day through our actions and our mediums — in this case, the Department of Health and Social Services. I don't think that it is a stretch to say that is why we are all — every one of us — in this Chamber this afternoon.

For those who are not aware of what cystic fibrosis is and how it affects the human body, please allow me a few moments to echo my colleagues in the House this afternoon. We are talking about a debilitating genetic disease that afflicts the lungs and digestive systems of the body. People with cystic fibrosis — people like Seamus — have trouble breathing and eating, or so I am told, and those are two of the most important functions of our bodies. Glands that usually produce thin, slippery secretions render thick, sticky ones instead. Bottom line, vital body functions — breathing and digestion, or both — are impeded. I am told that it is awful — I can only imagine what that must like.

There is no cure at the moment for this chronic disease. Lung transplants are often required, and the lifespan of those with this disease in the developed world is between 35 and 40. Forty, Mr. Speaker. That is less than half the lifespan of the average Canadian.

Worse, half of the Canadians with cystic fibrosis who died in the past three years were younger than 34. I am a father of two sons, and I don't fully understand the implications of life with a child struggling with cystic fibrosis, but I can empathize with those who do have children suffering from this disease. My heart goes out to them. There is a good chance that most of those parents will outlive their child. That, Mr. Speaker, is every parent's worst nightmare.

This afternoon, we can provide a little hope and perhaps some relief. I am gladdened we are all willing to work together to do so. As noted this afternoon, it is estimated that one in every 3,600 children born in Canada has cystic fibrosis. To be honest, this is not something I have turned my mind to simply



because I have been fortunate — lucky. The spectre of this rare disease hasn't touched my life until recently. I have never been exposed to it. I expect that the same story applies to many Yukon and Canadian families. Sometimes it is easy to not see things, especially when there is no cure for the disease and you feel powerless to help. Today, as MLAs, here in this Yukon Legislative Assembly, we are not powerless.

Mr. Speaker, this afternoon, I am not powerless. This afternoon, we are going to help some of these families. How? Well, as we have heard, Trikafta has been described by the president and CEO of Cystic Fibrosis Canada — a man by the name of Kelly Grover — as the single greatest innovation in cystic fibrosis history, with the power to transform the lives of thousands of Canadians. The origins of this drug go back to the late 1980s, when the genetic code was cracked. Through the wonders of science — wonders that we take for granted far too often in this society — we now have a drug that can provide some help.

According to Cystic Fibrosis Canada, Trikafta can treat up to 90 percent of Canadians with cystic fibrosis. It's a triple combination precision medicine, I am told, made up of three pieces that are almost impossible to decipher, let alone pronounce. I am not going to do that this afternoon. Suffice it to say, it works.

Trikafta targets the basic defect from specific genetic mutations that cause cystic fibrosis. As I said, that code was cracked in 1989, and it has taken this long to get this drug to market. By 2030, this drug could reduce the number of people living with severe lung disease by 60 percent and reduce the number of deaths by 15 percent.

Findings show a significantly slower disease progression, with an 18-percent increase in people with mild lung disease and 19 percent fewer hospitalizations or home intravenous antibiotics, for the coughs and other lung impairments these people commonly suffer. Unfortunately, Vertex has a monopoly on the drug, and the price they charge is princely. Most people could never afford the treatment on their own. The cost is more than \$300,000 per year per patient, which is why this motion is on the floor of the House today.

Given the price of Vertex's drug, government is obligated, on compassionate grounds, to step in and provide for those in need, and we intend to do so. In this case, I certainly agree with the Member for Takhini-Kopper King and the Member for Lake Laberge that it is the right thing to do, and I thank them for their passionate support and advocacy on this subject.

Yukon's drug and extended benefit programs ensure access to drugs and equipment for many Yukoners. Some Yukoners lack drug coverage, and these gaps could be filled by a national pharmacare program. Such a program has been talked about for literally decades. It doesn't exist yet, but we will continue on collaborative work with our federal and territorial partners to come up with ways that we might save a little money with this drug, when we provide this drug.

Mr. Speaker, it is my hope we can get this new drug into the hands of Yukon families who need it as soon as possible. I also hope that this new drug lives up to its promise. I do so for

Seamus and Amy and the thousands of other families and their friends who depend upon it for an improved life.

Before closing, I would like to recognize the great work of Cystic Fibrosis Canada. This organization was founded in 1960 and generally funds cystic fibrosis research and care. Its mission statement is simple: to end cystic fibrosis. In its words: "We will help all people living with cystic fibrosis by funding targeted world-class research, supporting and advocating for high-quality individualized cystic fibrosis care and raising and allocating funds for these purposes."

We have heard how successful the Yukon chapter has been, especially down in Watson Lake. Again, they should be commended.

Cystic Fibrosis Canada has 50 chapters throughout the country and is recognized as one of the world's top three charitable organizations committed to improving and lengthening the lives of people living with cystic fibrosis. I cannot think of any goal more worthy. Thanks in large part to their work, the life expectancy has more than doubled in Canada over the last 60 years. As they note, that is still not good enough, but it is certainly a great improvement over where we were.

Prior to the existence of Cystic Fibrosis Canada, I shudder to think what the standard of care was, but things are improving, Mr. Speaker, and we are taking strides today.

**Hon. Mr. Pillai:** Mr. Speaker, I would like to thank the Member for Vuntut Gwitchin for bringing this motion forward for debate today in the House.

Our Yukon Liberal government has been focused on improving health outcomes for all Yukoners since first being elected in 2016. My colleague, the Minister of Health and Social Services, spoke to the important work that was undertaken through the *Putting People First* report, the work that has already been done to implement the findings, and the actions that will be taken as we move forward.

I would like to highlight that one thing we heard through the process was that the cost of prescription drugs is an issue, and many expressed general support for more universal drug coverage that will minimize patient costs. Specific feedback included not being able to receive prescribed treatment, because the participant could not afford it. This, of course, is a very real concern. Imagine knowing that a drug existed that had the potential to change, extend, or save your life.

After doing some research on what access to Trikafta would mean for those living with cystic fibrosis, I found the following information. According to the Canadian research published in the *Journal of Cystic Fibrosis*, providing access to Trikafta this year has the potential to reduce the number of people living with severe lung disease by 60 percent and reduce the number of deaths by 15 percent by 2030.

The research also notes that there is a significantly lower disease progression, with an 18-percent increase in people with mild lung disease and 19 percent fewer hospitalizations or home intravenous antibiotics for pulmonary exacerbations. The estimated median age would increase for folks with CF by over nine years.

In the *Putting People First* report, a snapshot of Health and Social Services spending is given. It notes that health spending has been increasing for decades, with spending in the Yukon increasing at a faster rate than the rest of the country, despite our younger demographic. It also notes that most of Yukon's health spending — approximately 65 percent in 2019 — comes from the Government of Yukon, with the rest coming from private sources, such as health insurance for out-of-pocket spending, or directly from the federal government and a small part coming from other sources, such as social security and municipal governments.

The Government of Yukon spends more on the Department of Health and Social Services than any other area of government — over \$461 million in 2020-21. The Health and Social Services share of the government's overall budget has been steadily growing, from 27.8 percent in 2014-15 up to 30.1 percent in 2018-19. As Health and Social Services takes up more room in the budget, it means that there is less left over to spend in other areas.

A breakdown of the 2019 expenditures shows that eight percent of the spend is on drugs. *Putting People First* goes on to recommend that the Government of Yukon improve the management and efficiency of pharmaceutical benefit programs. When Yukoners are in the hospital or a long-term care facility, any drugs that they need are provided free of charge.

In addition, Yukon has several pharmaceutical benefit programs with differing eligibility criteria. So, groups who can access these benefit programs include seniors, children, social assistance recipients, and those with designated chronic diseases. Having different programs with different policies has led to unnecessary system costs, inconsistencies, and confusion for providers and patients who are eligible on what is covered.

The cost of providing these programs is directly affected by the price of drugs in the territory. Other jurisdictions have strict limits on the amount that drugs can be marked up above the manufacturer's list price. Overall, Yukon pays the highest price for drugs in Canada. The rest of Canada limits drug markups to eight percent, on average, while Yukon's pharmaceutical markups range from 30 to 48 percent.

As the population ages and as more specialized and expensive drugs become available, providing pharmaceutical benefits will become more expensive. Without changes, these programs will be unsustainable in the Yukon. So, by introducing fair limits on pharmaceutical price markups and improving the organization and administration of pharmaceutical benefit programs, Yukon government will realize substantial savings — savings that can be used to fill gaps in coverage for Yukoners without drug insurance or other extended benefits.

The report goes on to suggest a number of recommendations that will reduce costs and increase the efficiency and effectiveness of the system for delivering pharmaceuticals. Mr. Speaker, it's important to mention that these sections of *Putting People First* speak to the areas of our health care system that need improving and offer a number of recommendations on how to best approach improvements.

Our Yukon Liberal government is committed to implementing this strategy. It was committed to in our previous mandate by the former Minister of Health and Social Services, and it was committed to in the election and is highlighted throughout all of our mandate letters as a priority.

What it also stated in our mandate letters is that — and I quote: "... decisions must be made that prioritize the collective benefit for Yukoners. In your work as a member of Cabinet, you have a responsibility for ensuring decisions are made in the best interest of all Yukoners. In making these decisions, care should be put into targeting spending to the highest priorities while ensuring value for taxpayers' dollars."

Now, I want to stress that I agree that we should be supporting the use of Trikafta. I want to thank you — Amy, who is with us here today — for her interview this week on CBC. It was very informative, and I appreciate her leadership as a community leader — and also on this very important topic while supporting her family.

I also want to note that it is extremely important, as government, in response to all Yukoners, that we do our due diligence, which is underway. I just want to state for the record that, in my position, I am fully supportive of what we are doing, but I also believe that, when we do our due diligence on these particular decisions, the information that we unearth and the information that we can glean can help us be even more effective in how we implement it.

Mr. Speaker, there were times when the previous Member for Whitehorse Centre loved to press me on ensuring that I had done my due diligence and what methodology I used to get to that decision and the process. I think that, in this case today, we understand that other jurisdictions have supported this. I think we have all stated our support here. That is my sense, but I also think that there are other things that I would like to learn. I know that some of this will come out and some of the work is being done. I would love to understand how many people currently need this drug in the Yukon. I want to understand what, when this drug is prescribed and the cost is covered, savings are we going to see within the hospital system? I think that even makes a stronger case for being able to support this. I want to know what our strategy is, looking at the other jurisdictions that have already accepted this, when it comes to a collaborative purchasing process through Canada. What are some of the thoughts around that?

All of that work — I want to be very cautious and sensitive to the fact that we know that jurisdictions are supporting this and that is the direction that we are going in, but I also think that it is always good, no matter what decision we are making — whether about Trikafta or other items — that, when we are having those debates, we have all the information. I think that it's appropriate to do your due diligence, no matter what you are doing. These are big expenditures. In some cases, the due diligence is going to make an even stronger case for folks, like Ms. Labonte, who will have that information to be able to share and show why we need to do this work.

It was in June of this year that Health Canada issued a notice of compliance approving Trikafta for sale in Canada for people aged 12 and up with cystic fibrosis and at least one

F508del mutation. This was the first step forward toward the drug approval and reimbursement process.

Following that, there are processes taken at the national level and within each province and territory. Canada's public drug programs negotiate the price of the drug through the pan-Canadian Pharmaceutical Alliance. This was completed on September 17, as the Minister of Health and Social Services said, just under a month ago. Following this, each province and territory makes a decision as to whether or not Trikafta is funded. We are taking the appropriate amount of time to review the recommendation and to do the analysis of the financial implications. We are working to ensure that Trikafta is accessible to Yukoners with cystic fibrosis.

The team of officials at the Department of Health and Social Services will work diligently to understand the costs, which are estimated to be over \$300,000 per patient — I believe it was in US, we heard today — and we will work to understand how many patients would receive Trikafta, based on the situation. That is information that will be forthcoming.

This work is, of course, important in remaining accountable to Yukoners for our actions, and we look forward to seeing the results of this work and to joining Alberta, Ontario, Saskatchewan, British Columbia, New Brunswick, and Québec in providing Trikafta to Yukoners living with cystic fibrosis.

**Hon. Ms. McLean:** It's my honour to rise today to speak to this important motion. I would like to thank the Member for Vuntut Gwitchin for bringing this forward, and I want to acknowledge Amy Labonte and her beautiful child, Seamus, for coming here today. I found myself emotional at different times, listening to the debate. It brought back some really specific memories for me. Several years ago, my nephew had a very serious ATV accident. I brought him to the BC Children's Hospital in Vancouver. I literally slept by his bed for more than six weeks and helped to take care of him. There was this young boy — his name was Richard — who was in the next bed. We got to know him quite well over time and then beyond, as we went down for checkups later. He had cystic fibrosis, and he was 15 years old and just this amazing young man. As I was listening, and doing the research and getting ready for this motion, thinking about what a difference that would have made for him — he is no longer with us, but I think about him often, and it brought back that memory today and what it would have meant to him.

One of the other points though that I want to make is that he really didn't have a lot of support from family or extended family. I know that you have the whole Watson Lake community behind you, and I think that it is a strength in itself. I know Watson Lake; I lived there among the people for a number of years, and I know how strong and how resilient they are and how, when they get something that they are passionate about, they work hard and they are fierce about it, so I know that you have a lot of folks behind you. I thank you very much for coming and for being here and to Seamus for so much patience. That is a lot of talking to listen to, so I will try to make my comments a little bit briefer, but it is really important and I

do want to have my voice on this important motion that we are debating here today.

I wanted to speak briefly today about how this government is adaptive in supporting the needs of Yukoners. This government listens to Yukoners, and we are not afraid to create change. I think that our record speaks for itself in this regard. In 2018, we went through a comprehensive independent process of reviewing our health care system. As our colleagues touched on a little bit earlier — they have already touched on that, but I am going to touch on it a little bit more because I think it was so important and such an important process that we went through. We fully accepted those recommendations of the *Putting People First* report, which will result in a complete overhaul of the health care system. As my colleague, the Minister of Economic Development, has reflected on, it is in each and every one of our mandate letters as an overarching priority for each of us as Cabinet ministers.

This report identifies — and we agree — that we need to take a holistic approach to supporting Yukoners. To quote the *Putting People First* report: "A strong primary health care system takes a whole-of-society approach to health and wellbeing, and focuses on the holistic needs and preferences of individuals, families and communities. It is the first point of contact for health and wellness services, coordinating each person's services in a way that ensures continuity and ease of movement across a system." This is found on page 4 of *Putting People First*.

A great example of this government being innovative and progressive in our supports for Yukoners is our increased focus on access to publicly funded vaccinations; this was a direct response to the *Putting People First* report. Starting in January 2021, the Yukon became one of the first Canadian jurisdictions to fund the shingles vaccine, Shingrix, for individuals aged 65 to 70. We have expanded the eligibility of the HPV vaccine to include all Yukoners up to the age of 26 and have begun offering coverage for the PrEP medication for Yukoners at risk of contracting HIV. The Shingrix and HPV vaccines can be administered by a pharmacist at no cost. Shingrix requires a prescription from a physician or nurse practitioner. The HPV vaccine does not require a prescription. Yukoners can receive a prescription for PrEP from their health care provider and receive the medication from either a community health centre or the Yukon Sexual Health Clinic in Whitehorse.

Before I go into some comments from the education perspective, I wanted to reflect on the national level. I know that my colleague has already done some of that, but I want to make note that, in September 2020, the previous federal government committed to prioritizing national universal pharmacare in its September 2020 Speech from the Throne. From December 2020 to July 2021, the provincial and territorial health ministers approved a federal, provincial, and territorial engagement strategy for high-cost drugs for rare diseases, and engagement took place. A report entitled *Building a National Strategy for Drugs for Rare Diseases: What We Heard from Canadians* was released. Current federal, provincial, and territorial meetings are on hold right now,

pending the announcement of new federal ministers and mandate letters. Work on this is expected to continue on a national strategy for high-cost drugs for rare diseases this fall. That is great news — more accessibility for Yukoners and Canadians overall.

In terms of coming back to education, this holistic approach to supports for Yukoners goes beyond just our health care system. As the Minister of Education, I wanted to briefly talk about the *Review of Inclusive and Special Education in the Yukon* report that was released this past June. This report tells us that we need to do better. We need to rethink how we are supporting students and delivering timely and effective supports for their learning needs.

In her report, Dr. Nikki Yee describes an education system that is disjointed in its approach to supporting students with diverse learning needs. To quote Dr. Yee: “Overall, respondents suggested that inclusive and special education programs and services in Yukon are not currently supporting vastly diverse and dynamic student needs ... Generally, students experience low-quality education based on chaotic and disjointed structures in schools and across the educational system...” — and this is found on page 28.

We have accepted Dr. Yee’s report and are moving forward with creating an implementation plan to ensure that our system is holistic and responsive to the needs of Yukon students. There is much work ahead of us to address the findings and the shortcomings of the education system and to identify how we can make meaningful changes. That work is underway, and I’m so confident that we will make the changes we need to make for our children. I see a strong parallel between this new approach to our education system and the new approach to our health care system.

I would also like to draw the attention of this House to our support of Yukoners who are living with type 1 diabetes, because, again, it is a great example of how this government has been adaptive and flexible in our approach to supporting the needs of Yukoners.

Just about a year ago, we announced that we would fully cover continuous glucose monitoring systems for type 1 diabetes, becoming the first jurisdiction in Canada to do so. This came after significant community advocacy, particularly from families with children impacted by type 1 diabetes. I see a strong similarity in advocacy in this particular case, as we consider Trikafta, Mr. Speaker. It has been inspiring to see and, again, an emotional debate to listen to today.

As a mother, I know too well that there is no length a parent will not go to in ensuring that their children are protected and healthy. Again, I see a parallel with the inclusive and special education report that I already mentioned. Dr. Yee describes the fierce advocacy of Yukon parents when it comes to ensuring their children have access to supports at their school.

I am pleased to see the fierce advocacy of Yukon parents make its way into the Yukon Legislature here today. I am very proud of that, and I am pleased to support this motion today, which will be life-saving for some Yukoners. I am proud to be part of a government that is adaptive and responsive to the needs of Yukoners.

Thank you very much for the opportunity to speak today and to be able to have my voice heard. As a Member of the Yukon Legislative Assembly and the MLA for Mountainview, I am proud to add my voice to this. I always hold Watson Lake very close to my heart. I have a lot of friends and family and people I care deeply for in Watson Lake, so thank you again, Amy Labonte and Seamus, for coming to the Legislature today. I know that it will be part of your healing journey going forward — something that I am always definitely mindful of.

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

Does any other member wish to be heard?

**Ms. Blake:** Mr. Speaker, I am hopeful that what I have heard is that this motion will be supported and that Yukon will provide coverage for this life-saving medication. Yukoners who live with unique health issues face a wide variety of challenges that may be foreign to us sitting in this House.

As leaders, it is our responsibility to use our power and our privilege to help Yukoners like Seamus. It is our job to listen to advocates like Amy.

As decision-makers, I urge all of you to vote for this motion. Thank you, Mr. Speaker.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

#### Division

**Speaker:** Division has been called.

#### Bells

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

**Hon. Mr. Silver:** Agree.

**Hon. Ms. McPhee:** Agree.

**Hon. Mr. Streicker:** Agree.

**Hon. Mr. Pillai:** Agree.

**Hon. Mr. Clarke:** Agree.

**Hon. Ms. McLean:** Agree.

**Hon. Mr. Mostyn:** Agree.

**Mr. Dixon:** Agree.

**Mr. Kent:** Agree.

**Ms. Clarke:** Agree.

**Mr. Cathers:** Agree.

**Ms. McLeod:** Agree.

**Ms. Van Bibber:** Agree.

**Mr. Hassard:** Agree.

**Mr. Istchenko:** Agree.

**Ms. White:** Agree.

**Ms. Blake:** Agree.

**Ms. Tredger:** Agree.

**Clerk:** Mr. Speaker, the results are 18 yeas, nil nays.

**Speaker:** The yeas have it.

I declare the motion carried.

*Motion No. 112 agreed to*

**Motion No. 113**

**Clerk:** Motion No. 113, standing in the name of Mr. Dixon.

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

THAT Standing Order 76 of the Standing Orders of the Yukon Legislative Assembly be amended by deleting all instances of the words “Government Bill” and substituting in their place the words “appropriation bill”.

**Mr. Dixon:** Thank you very much, Mr. Speaker. It’s a pleasure to rise today to speak to this motion. The nature of this motion is to amend our Standing Orders here in the Legislature and, more specifically, to amend a particular clause of the Standing Orders that has come to be known as the “guillotine clause”. This particular clause in the Legislature is one that affects the timing of bills that are before the House and when they are voted upon.

By way of a brief background, the changes to the Standing Orders that brought this particular clause forward occurred in the 2000-02 government. The reason for that — my understanding, at least — was that there was no certainty about sitting dates, and so there was the potential for matters before the Legislature to take a great deal of time and thereby delay the passage of certain bills.

Obviously, we have seen what that can look like when we look down south to the United States, when we see certain budget bills that get debated and become political footballs that can cause and have caused — at least in the United States — government shutdowns.

My understanding, at least, of what the issue of the day was, was a solution to that problem and the potential problem of causing the delay in passage of appropriation bills that would affect the payment of government’s bills, the payment of its employees, and the ongoing operations of the Yukon government.

Of course, there were arguments for and against the guillotine clause at the time. Naturally, there is a concern about the basic democratic nature of a legislature fully debating and considering a piece of legislation before passing it. This would fundamentally change that.

Over the course of the last 21 or so years — the last couple of decades — there have been a number of instances of the usage of this clause. Of course, I was a member of the government from 2011 to 2016. I can personally say that, while I was a Cabinet minister, there were bills that I brought forward and the guillotine clause was used to pass them. At the time, I didn’t think that there was much wrong with it, but this is an issue that I have had some time to look at and think about and to consult with a number of people about. I realized that some changes to this particular clause are needed.

The nature of my motion today doesn’t remove the guillotine clause altogether; it simply changes the scope of it. It changes the scope from all government bills to strictly applying to appropriation bills. I think that the argument that was made back in the early 2000s by the previous Liberal government then was a fair one — that government does need the certainty

to pass its legislation. It does need its certainty to pass its appropriation bills because the functioning of the Yukon government depends on those appropriation bills. While I appreciate that when it comes to appropriation bills, I don’t think that the guillotine clause should continue to apply to non-appropriation bills. I believe that non-appropriation bills — other legislation — should be debated thoroughly. It should receive second reading, it should go through Committee, it should be voted on at that stage, and it should be passed or not passed at third reading before it’s given to the Commissioner for royal assent.

Mr. Speaker, like I said, the original intent was to give that certainty at a time when there was very little certainty about the Sitting lengths. Since that time, a few other things have changed. Our Standing Orders have changed to give a great deal more certainty around the timing, length, and duration of the legislative Sitting. We now have a fixed number of days that the Legislature will sit in a year. We have a maximum and a minimum that it will sit in a given Sitting. I think that there is a great deal more certainty than there was back in 2000 when this was first passed.

We have also seen, I believe, governments become a little fast and loose with how they use this clause. Like I said, I concede that I was a part of governments that used this clause to pass legislation, and I have also seen it used by the current government.

Prior to the election of the 34<sup>th</sup> Legislature, I know that the guillotine clause was used to pass a number of bills related to the way we conduct our elections. For instance, last year, an act to amend the *Elections Act* was put forward by the government. Rather than seeing it debated thoroughly and debated thoughtfully and having an exchange of ideas about it, the guillotine clause was simply used to bring it to a vote without any sort of debate.

Now, that particular issue was related to the implementation of fixed election dates. Obviously, at the time, I think a more thoughtful debate about that in Committee of the Whole would have been useful because it would have allowed us to better understand the government’s intent behind it. As we all know, the government then proceeded to break the intent of that legislation by calling a snap election earlier this year, which was not in alignment with the fixed election date that they had brought in themselves only a few months before.

Of course, we know that another usage of the bill has been to increase the pay for the Premier and his colleagues. That was a bill that was brought forward early in the 34<sup>th</sup> Legislature. Rather than seeing it debated on the floor, debated in Committee, it was guillotined, which expedited the passage of it as it proceeded through the Legislature and was brought to a vote, which did pass with the former Liberal majority.

Mr. Speaker, we have seen a number of instances of this guillotine clause used. I have used it, the Liberals have used it, and I think it has gotten a little too fast and loose with the way we use this guillotine clause. It needs to be tightened up to ensure that governments do not inappropriately use the Standing Orders to avoid debate, avoid discussion, and avoid the democratic process for the passage of legislation.

That being said, Mr. Speaker, I do appreciate the arguments that were made back in the early 2000s and that I am sure others will make. There is a logic to having a clause like this in the Standing Orders for appropriation bills. I do not think that appropriation bills should be caught up in debate and not pass for a great deal of time, like they were in the late 1990s, but for a number of reasons, things have changed since then. Nonetheless, I am amenable to leaving the application of this clause for government appropriation bills.

With that, Mr. Speaker, I obviously want to see this motion pass and the Standing Orders amended. The motion is obviously certainly in order. I appreciate the work of the Clerk in helping me to prepare the motion to ensure that it is orderly and does indeed achieve the intended outcome that I am seeking.

I have had a chance to discuss it with some members. I do know that there is interest in the possibility of referring the matter to SCREP, the Standing Committee on Rules, Elections and Privileges. However, I should note that, regardless of what SCREP decides, it ultimately will come back to the legislative floor to decide, and so I think that we are more than capable of making that decision here today.

Mr. Speaker, I think that, while there could be other issues related to the Standing Orders and indeed particularly issues related to Standing Order 76 itself, I am more than amenable to having those discussions at SCREP, but I think that this motion ought to pass first. We are in a new reality here in the Legislature with the 35<sup>th</sup> Legislature. We have a minority government and I think that it would be a shame for the minority government to use the guillotine clause to pass legislation without proper debate and discussion, as we have seen happen when the Liberal Party was in the majority.

With that, I think that the motion is fairly straightforward. I have explained my rationale behind bringing it forward and why I think that it is a reasonable change to the Standing Orders to strengthen our democracy and strengthen the proceedings of the Legislature to ensure that non-appropriation bills are given thorough debate, thorough consideration by the Legislative Assembly, so that we, as elected representatives, can conduct our business on behalf of Yukoners, as was their direction to us when they voted us in here.

With that, Mr. Speaker, I commend this motion to the House and look forward to seeing the debate on it.

**Hon. Mr. Streicker:** First of all, I would just like to begin by thanking the Leader of the Official Opposition for bringing forward this motion. I think that it is a very important topic to debate. I think that generally our Standing Orders and how we conduct ourselves probably wouldn't draw a lot of people to the gallery, but it is incredibly fundamental to how we conduct ourselves as a legislature, and I thank him for raising this issue. I note, as well, that his colleagues raised this issue and it is on our agenda on the Standing Committee on Rules, Elections and Privileges, but I do want to try to talk through this whole notion of how Standing Order 76 is potentially going to be amended by the motion that the member has put before us today to debate.

To begin with, I am going to try not to use the phrase that we all use colloquially around Standing Order 76, and I'm just going to talk about it as the order that tries to truncate or limit debate to make sure that we get to vote on bills.

I am going to go back just for a moment here to talk about the history of the bill. I listened closely to the Member for Copperbelt North in his description of how this amendment was brought forth.

One of the things that he mentioned was that there was some for and against as this came forward, but where I found it in Hansard was on page 2720 from November 19, 2001. The motion was brought forward by Mr. McLachlan. He raised it and asked for unanimous consent of the House in order to debate the motion, first of all, and unanimous consent was given, so everyone agreed. Then you read the motion — well, actually, the motion itself wasn't read, which was pretty different. I had never seen that done, but apparently there is a way to ask to not read the motion because it was quite long. It wasn't just Standing Order 76, which came into the Standing Orders that day. It was also Standing Order 73, which is how the Premier and the Speaker work to recall the Legislative Assembly. It was Standing Order 75, which talks about the requirement for the government to table legislation within five sitting days so that the opposition has an opportunity to see that legislation and so that government doesn't just table something just at the end of a session when there is no opportunity to debate.

It had in it Standing Order 75, which is about the length of Sittings of the Assembly, which says that there is a maximum of 60 days. As we all know here, we work out here, through House Leaders, what each session will be. It had within it Standing Order 76, which we are here to debate today and which is proposed to be amended. It also had within it a couple of miscellaneous Standing Orders, including the creation of the Standing Committee on Appointments to Major Government Boards and Committees.

Those sections within the Standing Orders weren't actually read as the motion came forward. They were just deemed to be read, and then we get to the debate — and no debate, and it was "motion agreed to". That's all we wrote.

So, I tried reaching out to the past Premier to try to ask what it was that had happened at that time and, just unfortunately, because this motion was tabled as a written motion, I didn't have a lot of time to prepare for it, so I didn't have as much opportunity as I would like to try to talk through it.

But what I can see in some of the documentation — and now I'm quoting. It is here in Hansard. I am quoting that this is "Special Standing Orders Resulting from Leaders' Agreement of November 8, 2001" — which would have been a week or two before the House deliberated on the motion.

So, there was some work. It didn't happen through the Standing Committee on Rules, Elections, and Privileges. It happened among the parties, as I understand it. They worked together, and they tried to come to an understanding about how to make sure that we could do the business of the Legislature in order to allow the business of government to proceed.

One of the things that the member opposite, in speaking to the motion and introducing this motion today, talked about was that there needed to be more certainty because of the time of the Sitting. Well, actually, the time of the Sitting was introduced in the same motion as Standing Order 76, which would limit that debate.

I think that it is important, and I want to acknowledge the principle that the Member for Copperbelt North is raising for us to discuss today — how important it is to make sure that the Legislature has the ability to debate and deliberate on motions fully, fairly, and to allow them to come to a vote. There are challenges.

The Leader of the Official Opposition talked about the examples from the United States. I'm going to talk about some examples from here. I only have, in my experience here — physically in the Legislature — the previous Legislative Assembly, the 34<sup>th</sup> Assembly, but there are a couple of examples that I think are worth trying to look through.

First of all, in order to try to understand this, Madam Deputy Speaker, we really need to look at the tension between providing enough time for debate but also making sure that we get to decisions.

If we don't get to decisions, we could frustrate the ability of the executive branch, of government — we often think of government as the whole thing, and when I talk to friends, I am often trying to explain the difference between the Legislature and government. Yukoners will often think of it as one big group, but I think we understand here that the role of the Legislature is to oversee government. The functions would be to pass legislation, to pass budgets, to pass what we are calling, for the purpose of this motion, appropriation bills, and to inquire, to ask, to hold to account government. I think that these are incredibly important roles.

We do need to make sure that we don't use the tools of the Standing Orders to unfairly limit or truncate that debate. There should be that opportunity for full questioning. I think that is the important piece of this motion that is in front of us and the one that I am going to try to hold on to, as I think this through and debate it here on the floor.

Let me talk about a couple of examples. I asked some questions of the past Premier, just what were some of the things that were happening and what led to it, and one of the things that was explained to me was that there were times during debate when members would speak about things that weren't really pertinent to the motion on the floor or the bill in front of them. I heard stories of talking about lug nuts, of talking about the colour of Jell-O at the hospital, of people not paying attention. Really, it is just people taking up time. The term is a "filibuster". You are talking to take up time; you're not talking to try to put forward your position on particular issues.

Luckily, our Standing Orders now would say that you need to continue to talk about the subject at hand, and we could call for a point of order if the debate is straying too far. The purpose of Standing Order 76 is to try to balance the difference between getting to that decision and allowing time for the debate. Colleagues 20 years ago, less a month, decided that this was a good way to do it.

It is unique in legislatures across the country; I don't know of any other. I mean, the Yukon is unique in its own sense. We are the smallest legislature that is partisan — that has parties in it — the only partisan legislature in the territories, and we're small. There is a way in which I think that is important, and I'll talk about it in a little bit. But what you're looking for — when I look back through examples, and recent ones, is where we provide enough time for debate and where we make sure we get to a vote. The first example I want to talk about is the one time that I know of where we didn't use Standing Order 76, and that example is from March 2020. Why didn't we use Standing Order 76 then? It is because COVID hit, and as COVID hit, we were trying to decide, as a territory, what to do. It was an extraordinary time.

We, on our side of the Legislature, as a government, we decided to not debate the bills that we had prepared for the Legislature, for that Spring Session, and we talked over with the other parties about the importance of getting the budget passed. We came in on March 19, and I believe it was the Government House Leader who put forward a motion that we truncate the session but that we go long that day to try to get as much debate in as we could on the budget debate that day.

What we did, in effect, was we went through Committee of the Whole until the opposition had asked the questions that they wished to, and we moved on without using Standing Order 76.

So, I am now going to quote from Hansard. For Hansard, I am quoting from March 19, 2020, and currently I am on page 1137. I am first going to quote from the Official Opposition House Leader. This is what he had to say that day — and I quote: "We are supportive of this motion that is before the House before and I wish all Yukoners to stay safe, be healthy, and as a resilient bunch of citizens and individuals who we are up here, I know that we'll emerge on the other side of this stronger than we were going in."

The Government House Leader stood up and also said — and I quote: "I thank the member opposite for his comments and for the collaboration going forward. I would also like just to take a moment to thank all of those who support this Legislative Assembly." I will stop the quote there, but it goes on to say thank you to the people who are supporting it.

I now go to the end of that session. We went into the evening to try to get debate in on all the departments, and everything went fast in order to try to get to the end.

I am now on page 1179 of Hansard, and I am going to quote from the Member for Lake Laberge. He finished off his last comments to the Legislature: "On behalf of the Official Opposition, I would like to thank everyone who is part of this effort for the Yukon and, of course, thank those who have supported us in sitting later this evening so that the budget could be passed and so that department staff, hospitals, and others can focus on responding to this pandemic."

The Leader of the Third Party then stood up and said: "It is hard to imagine when we got called back in on March 5 that this is where we would be on March 19. It is hard to imagine between this week and last week the changes that have happened."

“You know, this not business as usual.”

Finally, I will quote briefly from the Premier, who had the last comments before we voted on the budget: “Thank you to the members opposite for their comments. Thanks to everybody in the Legislative Assembly. Go home to your loved ones. You’ve all done great work today. Thank you very much.”

On that day, very strangely, we did not use Standing Order 76. It was not called.

There is another time I want to use as an example, Mr. Speaker, and it comes from the fall of 2020. This is about how, if opposition wishes, they can extend debate on issues before the House and why this Standing Order was brought in, in the first place.

During that session, which was, we can all recall, a long session — I think it was 45 days. During that session, government private members brought forward a motion to ask whether members of the Legislature supported that we were in a state of emergency. It was a good question. We were very interested to hear from members of the opposition about whether or not they supported that. It took us three days over five weeks to get to a vote. Why did it take us that much time? Because the Official Opposition chose to bring forward many amendments and to bring forward much debate, because they had the ability to do so, and they chose to take time with this.

The thing I’m thinking about, as we look at the motion in front of us today on Standing Order 76, is: Are we putting ourselves in jeopardy of not getting to decisions?

When that happened — when that filibuster happened — and the MLA for Lake Laberge, if I can just commend him in his ability to speak for a long period of time — he’s very good at it. He spoke to government motions — and I added it up — for just under seven and one-half hours. When I added up all government members and the time they stood to speak during that same session, it was three and one-half hours — less than half. So, it’s impressive, although not what I believe is constructive.

The reason I think it’s not constructive is because, if you’re in a state of emergency and you need to, for example, deal with, say, border measures and the opposition has said often that they think that, in order for a state of emergency to be extended, it should come to a vote here, and there was an example that took five weeks. But government, if it takes five weeks to deal with border measures, would be — well, the public would not tolerate that kind of speed.

I know that the public often thinks that government is not fast enough. I’m just trying to say that, if the Legislature used the rules that it had, that we’re trying to think about today with this motion, you could have some unintended consequences with the motion that you weren’t anticipating in the rather straightforward way that the Leader of the Official Opposition has proposed that we replace all the terms “Government Bill” with “appropriation bill”.

That’s what I think we need to be careful about today as we debate this. It is correct that we need to make sure that the Standing Orders allow for debate, but we also need to make sure that we get to votes.

Okay, so, how do we balance that? This is where I think that the motion falls short for me. It doesn’t anticipate some of those unintended consequences. Let me just for a second, Mr. Speaker, talk about some of the ones that I tried to think through, in terms of those types of consequences.

First of all, Mr. Speaker, one of the things in the way the motion is worded is that it says “appropriation bill”. I went through Standing Order 76, and I saw that there are five instances where it says “government bills”. Okay, let’s change those. If we contemplate the motion as it is proposed, it would change that to “appropriation bills”. Again, for the public, that would mean all the budget bills. They would still, at the end of the Sitting, come to a vote, because they would still apply, but it doesn’t say “government appropriation bills”. What if a member opposite now decided to put in an appropriation bill? Do we then get to a vote because it’s now required to get to a vote? That is one of the things I thought about. I am sure that wasn’t the intention, but I feel that we should be careful as we think about this.

The one that I’m most concerned about is that we are not talking about the length of the Sitting at the same time as we’re talking about this motion. When Standing Order 76 was originally brought in, at least through the time that I have had to try to study this and look back, it was brought in at the same time. There was a dialogue across all parties to try to look at how to balance out that tension. That’s the one that I think would be important.

Would we extend Sittings? Let’s say that we have gone toward the end of the Sitting and we needed to get those bills passed — would we extend them? Is that what we would do? That falls under other rules, and we would have to make sure that would happen. I would hate, if what we did was all this work to get to a vote, and we just didn’t get to a vote.

I completely support the notion that there should be debate on all bills — appropriation bills, budgets, and legislation — but I would want to make sure that there is a method to make sure that we get to a vote. In other legislatures, they do this differently. It is not yet spoken about in this motion.

The other thing that might happen as an unintended consequence is that, in order for government to make sure that those bills, which the public service has worked extremely hard to get to and to bring forward — sometimes those bills take years. We have had a great deal of dialogue across the territory; we have worked diligently to try to bring those things in. Sometimes they are unanimous here in the Legislature, but oftentimes they require full and deep debate. Sometimes they are supported, but there are really healthy questions that are coming out to try to understand that role of the legislature on inquiry and legislation. But if this motion passed, then what might happen is that the government of the day would put an emphasis on making sure that the bills got through first, and what the unintended consequence might be is less debate on the budget. I am not sure that this was the intention at all here, and that is why I think we have to be quite a bit more careful about how this comes forward.

My thinking generally is that this should come into the committee that we have created here, the Standing Committee



on Rules, Elections and Privileges. Now, the Leader of the Official Opposition talked about examples of his own time in government under the 33<sup>rd</sup> Legislature where the guillotine clause was used and where, upon reflection, he now believes that it would be better that we ensure that we don't use a time limit on those pieces of legislation.

I haven't had the chance to talk to him directly. I would appreciate the chance, or to talk to his colleagues through the Standing Committee on Rules, Elections and Privileges, but if I were in that place, what I would be doing is trying to talk about how we can balance that tension. So, I agree with the principle, but I think that the right way to do this is to talk about it through a committee process that we have set up to do this. I have heard criticism from the Official Opposition about the Standing Committee on Rules, Elections and Privileges and whether or not it is doing its job. So, let me just take a minute to try to talk about that as an alternative to doing it here on the floor of the House today.

Earlier today during the — when you called us to order, I heard the chair of the Standing Committee on Rules, Elections and Privileges bring forward a motion that would effectively limit tributes. It was a strange day to think about that, because today we had a tribute to Commissioner Jack Cable and those tributes went longer than what we would normally give ourselves as time. Even though it is not there in that motion, what I will say is that what the standing committee did was — we talked about if there was a time when we were giving a commemorative tribute and it was just one tribute — that through House Leaders we would ask that there be an exception to allow for longer times. This is the work of the committee. The committee has that ability to try to talk through some of those differences and how to deal with some of those challenges. It's just a more fulsome debate.

Now, when I've heard the criticism in the past of this standing committee, I have gone back and asked the Clerks about the history of the standing committee. Here's what I found out. During the two Fentie governments, the committee sat five times in total. During Premier Pasloski's government when the Leader of the Official Opposition was in Cabinet, the committee met once. During the 34<sup>th</sup> Legislative Assembly — the Liberal government's — the committee met seven times, which is more than the last three legislatures combined — okay — and so far, the committee has met three times.

One of the things that I will say is that the committee has listed out — and there are members from all parties on the committee — a whole range of things that would be important to try to talk through. I think we ordered them — I would have to check to be sure — in how the Standing Orders are laid out, and we just are working our way through them. We've had three meetings so far. I think that's a good track record. I know that there are more meetings to come. We have a lot of agenda in front of us, and I would just like to say that everybody who has been there at that committee has worked diligently. I think that committee is working well and doing its job.

Why do I think it would be better to go to the committee is because, as I've said, that — well, there are a couple of reasons that I'll list.

One of them is that it would give us a chance to discuss this with the Clerk and the Clerk's staff. They do a lot of work around the Standing Orders, and I think they think these things through a lot. I suspect that they eat, breathe, and sleep this stuff, but there would be a chance for us to try to talk back and forth about how that would work. I appreciate that the Leader of the Official Opposition has said that he had some conversation — I would love to have some of that conversation too. The other thing is that, while I support this notion that we should get to a full debate on motions and bills, we also need to make sure that we get to a vote. That is what we have to balance. There could be different ways. I am not wedded to Standing Order 76 as the best way, but I do think that we need to be careful.

I went through to try to see how often we have used Standing Order 76 during the 34<sup>th</sup> Legislative Assembly, and what I found was that, on legislation — on bills, not appropriations — I found that roughly 80 percent of that legislation made it through without using Standing Order 76. It came naturally over time and went to third reading. About 20 percent did use Standing Order 76, which truncated the debate, and the Leader of the Official Opposition, as noted a couple minutes ago, was concerned with that time.

In terms of appropriations, about half of them make it ahead of time, before we get to Standing Order 76. Usually, the way it works is that, if it's the supplementary or the main budget, those usually end up using Standing Order 76, so it is about half and half.

Let me come back for a moment to the role of the government. There are three branches: the judicial branch, the Legislature that we are all part of, and the government branch, which executes on the decisions or the laws that are created here in the Legislature and on the budgets that are passed here and on how government operates and works.

One of the ways in which we create some of that balance is that there is a rule that I had never figured out before I got here, which is that your Cabinet needs to be less than half of your Legislature. In no other jurisdiction other than the territories would you get to a place where you might end up with a Cabinet that comes close to half of your Legislature. The reason is that you have to respect the Legislature in its role. The role here is that you have to test those appropriation bills — that legislation. You have to take that attempt to see whether it will pass or not, and it is the elected representatives who have the job to decide what the legislation will be. In a majority government, of course, this is different than in a minority government. I appreciate and understand that, but we still need to make sure that government can do its job. That means that we get to that point where the decisions happen.

What I am trying to put forward is that I support the notion that has been brought forward by the Leader of the Official Opposition, which is that we need to find a way to make sure that there is fair and full debate on bills in front of us and legislation that is brought forward, but if we just today put forward or support his motion that we just drop it out of Standing Order 76, there will be an unintended consequence that will put at risk some of that legislation. I wish fervently

that all of us, as legislators, would not try to frustrate that work, but unfortunately, I think that there are times when it does happen. I have experienced it here in the Legislature.

Mr. Speaker, with that, I will conclude my remarks. Again, it is my sense that this is an important conversation to have. I do wish to have it. I say for everyone here that, on the Standing Committee on Rules, Elections and Privileges, we had put this on our agenda. We have been working through our agenda. I think it allows for the healthy ability to debate this topic and to try to see how we can create that balance. Of course, as the Leader of the Official Opposition has noted, it would come back to the Legislature and we would have the opportunity to debate it there. It is just that it would be more of a conversation and have the Clerks as part of that conversation.

I would like to give one shout-out. It is to the Leader of the Official Opposition and how he has chaired the Public Accounts Committee. I have had the opportunity to sit in a couple of times, and when I have watched him chair that committee, he has often worked to create consensus, and I would like to acknowledge that this is a good way to work, that it says, yes, we will have differences as parties, but when we work together through those committees, we have a great effect on what happens here.

I feel, Mr. Speaker, that this is a very important Standing Order. I would love to see it updated. I just think that we need to have that fuller conversation about those consequences to make sure that we can get to decisions and ensure that debate stays focused on the issue on the floor of the House.

Thank you very much, Mr. Speaker.

**Ms. White:** Mr. Speaker, it is an interesting position to be in right now, knowing that I am the only member in this House who has suffered under the guillotine clause from all sides. I appreciate that the Minister of Energy, Mines and Resources doesn't want it to be called the "guillotine clause", but it feels final. It feels like the end of the line.

The first time I learned about the power of the guillotine clause — I'm not going lie. The first Sitting that we had in 2011 was fairly traumatizing. I am not sure if the Premier remembers back then. It is when I learned the full power of words. Maybe the House Leader from the Yukon Party will remember that debate, but the first time I really, really understood the full power of the guillotine clause was in the spring of 2012 when the then-Yukon Party government made an amendment to the *Financial Administration Act*. It sounds innocuous enough on the surface — *Financial Administration Act* — but what were we talking about? If you looked at it in the context of 2011 — in 2011, the territory was in the grips of a housing crisis that we had never experienced up to that point — never before. I think the unfortunate truth is that, in 2021, we are still in that same crisis, but in 2011, it was pretty new.

In desperation, without places to live, a tent city had popped up on the lawn surrounding this very building. You can imagine dozens of folks living in tents with signs out front urging change and urging housing and talking about housing as a human right, which I, of course, agree with. They were on the lawn of the main Yukon government building.

If you can imagine what that looked like, it was probably not very good, from a government perspective, so the solution from the then-Yukon Party government was to make camping on Yukon government land illegal, but not in such an obvious way. They did it through the back door of the *Financial Administration Act*. So, it came up for second reading, and then it was passed through the guillotine clause at the end of that Spring Sitting.

Then we can fast-forward to the fall of 2012 — the changes to the *Oil and Gas Act* and removing the veto clause from non-treaty-holding First Nations. So, we did get to debate that one, but it also got to the end without all those questions being fully answered — again, due to the guillotine.

You know, I can think about the Yukon Party with the *Act to Amend the Placer Mining Act and the Quartz Mining Act* in 2016 — so, that one didn't even have any debate.

I can think about the debate from the *Residential Landlord and Tenant Act*. When we talk about filibustering and we talk about time usage, you know, there were some talkers in here back then. I think that is the most polite way I can say it. As the person who was debating the *Residential Landlord and Tenant Act* and trying to get through clauses and trying to bring forward concerns — yeah, debate closed down on that, and there was no more conversation.

You know, we can look at the Liberals, when they were the majority — you know, the *Act to Amend the Legislative Assembly Act (2018)*, the *Act to Amend the Elections Act (2020)*.

I appreciate that the Minister of Energy, Mines and Resources talked about spring 2020 as being this great unifier, but from my perspective at the time, it was brutal. Conversations that were happening outside this Chamber were not easy. They were not easy; it was not easy. I mean, we had a motion to put forward to ask that the Assembly be put on pause and come back when we could. That was not an example that I would use; I was shaking my head here. That was not an example that I would use.

The one thing that has been highlighted over and over again is that the guillotine clause just doesn't work for democracy. Even appropriation bills — they get passed without full debate. You know, at times, opposition members — yeah, people can be like, but you cleared these lines, and I would be like, yes, because I was desperate to get to other departments, because talking about the Department of Health and Social Services for an hour is not enough time. So, yes, I cleared lines in debate. Did I have more questions? Absolutely. There are always more questions. There are infinitely more questions.

In that same breath, when we get forward to other bills, yeah, there are always questions; there are always questions. And so, from my perspective and, I guess, my experience — because, again, I am the only person who has sat on two different sides of the opposition side but never on the government side — you know, both the Liberal and the Yukon Party government have used the guillotine clause to shut down debate and pass legislation with little, or sometimes no, oversight — no questions answered, no exchange of information. That puts us in a unique position. I'm not sure that

is the position I think we want to be in, as far as the country goes.

There are concerns for sure. I don't want to sit for 24 hours at a time. I don't know that I have that stamina.

I think there is also the point, too, which is that I'm not impervious to the irony that the Yukon Party is bringing forward this motion, but I do appreciate that the Leader of the Yukon Party talked about how he was in government and he didn't see anything wrong and now, from the opposition side, he understands. I tell you, the first time in the 34<sup>th</sup>, when there was that acknowledgement, I was like, welcome, welcome to the other side. Because all those things that had been weaponized were now all of a sudden on the receiving side and I was like, well, here we go.

So, the guillotine clause doesn't work. That's it — the guillotine clause doesn't work. I have to say, it just doesn't work. It doesn't work for democracy. It doesn't work for discussion. There is no finding consensus if it just gets to the point where the conversation stops.

So, with that, I will let other people weigh in.

**Mr. Kent:** I appreciate the time here this afternoon to speak to this. Just before I start my remarks with respect to this particular motion, I do owe an apology to the Minister of Energy, Mines and Resources for some off-mic comments I made during his speech. They were inaccurate.

During the March 2020 budget debate, there was some back-and-forth, and we did end up deeming all remaining departments read and carried and then voted on the budget. Of course, we didn't support the budget, but the budget did come to a vote, so I apologize to the member for my off-mic comments earlier today with respect to his example that he was using during the pandemic with respect to the money bill and us not using the guillotine clause.

But I do want to speak to the motion a little bit. The Minister of Energy, Mines and Resources referenced, I think, November 2001, when this came forward for debate. I was sitting behind him at that time as a government member. If we just go back to 2000 and the work that very first summer after the election, it was an April election, Cabinet was sworn in by early May, the Legislature was recalled in June, and there was no mechanism at that time for there to be a set number of days. There was no budget in place. The NDP government under Piers McDonald introduced their budget and then called the election, so there was no budget in place, as I mentioned, and we needed to get a budget in place. We sat, I think it was June 6 — I may stand to be corrected — until late into July, with no end in sight for when that would happen. That is what the Standing Orders of the day contemplated.

When the Liberal government of the day — which I was part of, so I will say “we” — when we eventually came up with the changes to the Standing Orders, the Minister of Energy, Mines and Resources is correct that there were a number of things included, including the guillotine clause, to set the five days for the introduction of legislation. All bills had to be introduced so that there would be no surprises later on in the Sitting, which, again, had days attached to it. I think the

minimum is 20 and the maximum is 40, and if there was no agreement, it would default to 20.

There were some other things that were changed during that government. We used to have evening sittings, so the House sat from, I believe, starting at 1:30 p.m. in the afternoon and went to 5:30 p.m. Then Mondays and Wednesdays, we came back for two hours in the evening from 7:00 p.m. to 9:00 p.m. It was a long time ago, and I only endured it for a couple of Sittings, so I'm happy that those changes were made.

The debate was interesting during those evening sittings, especially after folks were able to get away for dinner and then return. There were a number of changes, as I mentioned, that were made at that time, including the introduction of the guillotine clause, which is the subject of the Leader of the Official Opposition's motion here today.

Again, the Minister of Energy, Mines and Resources referenced the spring of 2020 and the budget bill at that time. Obviously, we were in uncharted waters with respect to where we were. There was so much uncertainty at the start of the pandemic. We didn't know what would happen. There was little or no separation in here at the start of that Sitting between members. I think, toward the end, even a couple of private members from the government side ended up sitting in the first row of the gallery, sharing a mic. So, it was obviously uncharted waters and unprecedented times that we were in, in 2020. I think that is not a very fair example to use when referring to what we hope, going forward — if this motion is successful — will be more business as usual, rather than the situation we found ourselves in during the spring of 2020.

I think the minister referenced the CEMA motion that was introduced last fall. I think he said it took five weeks to pass. We have to keep in mind that the government chose to introduce that as a private member's motion, and private members get to debate their motions every other week, whether it's opposite to what the opposition private members get, so realistically, when the minister says it took five weeks to pass, that is a little bit rich, given the fact that, if they wanted that motion to pass expeditiously, they could have introduced it as a government motion and called it for, I believe, three days — two and one-half or three sitting days — whatever it would take to get that motion through here on whether or not the state of emergency was supported at the time.

The hours we spent in debate, I will leave it to the minister. He has done the research and has told us what they were. I think it is disingenuous to say that debate took five weeks, because it didn't. We weren't in this House for five weeks straight talking about that motion. The government chose to introduce it — I think it was the former Member for Copperbelt North who introduced it. That is why, as a government private member's motion, it went that way. Again, that is not the best example, I don't think, that the minister has chosen.

My colleague, the Leader of the Official Opposition, spoke to our time in government from 2011 to 2016 and some of the bills referenced by the Leader of the Third Party — one of those bills was mine that was guillotined. This isn't something that we're just seeing the Liberal government do. Obviously, it was done by Yukon Party governments from 2002 to 2016, as well.

But where I think we find ourselves now is — and my colleague mentioned it — that we're in a minority government situation. There are more votes on the opposition side of the House than there are on the government side of the House.

What I would hate to see with one of these non-money bills that is referenced in the member's motion is a disagreement over a certain clause resulting in members of the opposition having to vote against the entire bill because we never got into Committee of the Whole to debate that clause and propose changes. That's another, perhaps, unintended consequence that we find ourselves in with the minority situation that we're in — that an entire bill could potentially fall over only a disagreement over a certain clause.

Obviously, these bills — some of them are very complex. Many of the bills that are before the House this fall were before the House and introduced in early March and died on the Order Paper with the calling of the spring election, so they're back here now. Obviously, I would hate to see that adage of throwing the baby out with the bath water. I don't like to use it, but again, I think that's what could end up happening with some of these bills if we're not able to give them full and fair debate.

I think that one of the things that the minister mentioned was the seven meetings of SCREP in the previous Legislative Assembly — or the Standing Committee on Rules, Elections and Privileges. I was a member then. I'm not a member in the current Legislature, but of those seven meetings, we put together a fairly aggressive work plan — a two-year work plan. I stand to be corrected, but I think the only things that were accomplished — we set the first week of March and the first week of October as the starting dates for the Spring and Fall Sittings; we limited tributes to 20 minutes in total — I see there is a different amendment that would limit individual tributes in the motion presented by the Minister of Community Services today, so, again, a step in the right direction.

Then I think we reordered the Order Paper so that the introductions of visitors were done before the tributes. In spite of the fact that we met seven times, there was not very much accomplished with respect to changing those Standing Orders.

I guess, just to end, others have recognized the challenges with the guillotine clause on all bills. It was, I believe, the former Speaker and now the Minister of Highways and Public Works who called me, as the House Leader, and I believe the Leader of the Third Party as House Leader at the time for the New Democrats into his office and asked that House Leaders get together with him to address the guillotine clause. Nothing came of it. Perhaps there was some concern from his caucus colleagues with respect to his work around that, but I think the challenges with respect to how it affects democracy with that guillotine clause have been recognized by members of all three parties who currently sit in this House.

With that, I am hoping that members will support the motion that we have here before us so that we can give full and fair consideration to government bills that are not money bills or appropriation bills, as the motion says, so that money spending is not held up but full and fair consideration can be given to those bills that come before us and we can get into the

clause-by-clause debate if there are specific amendments that members of the opposition would like to see in a particular bill.

**Hon. Mr. Silver:** Mr. Speaker, I will be relatively brief today, but I would be remiss if I didn't add my perspective on this. Being in opposition in the Third Party and being the Premier are two different roles — 10 years serving the public, each one of those years with the guillotine clause in place. Lots of times in the Third Party, you don't get a chance to debate any bills because, as the Leader of the Third Party spoke about today, you do want to use your time strategically. That comes with a lot of downfalls, that's for sure. Topics that you might want to bring up — if the Official Opposition is already bringing it up, you might pivot to something else and get questioned by the government of the day and then be told that it has been this many days since the Third Party asked a question on something that was supposed to be near and dear to their heart. It is an interesting situation — the guillotine clause and the time limits, or lack thereof, for certain debate. So, having the conversation about a guillotine clause, I think that we on this side of the Legislative Assembly are in favour of that conversation — absolutely.

I am very pleased to be speaking to this motion. I have to admit, though, that I am a little puzzled by why we are debating this issue at all today. Let's go back — not that far back — to Thursday. The Leader of the Official Opposition started this fall session of the Legislative Assembly by tabling a motion — standing on a point of privilege or a point of order — to call an urgent and pressing debate regarding the Hidden Valley school. Now, no notification being given to this massive change to the order — the procedures of the day — a pretty important day, the first day.

I can't think of a time where we, the Liberal Party, wanted the unanimous consent where we didn't have a conversation to preclude that, and we do have House Leaders in the morning to do so. Okay, so they chose not to. Today, the Leader of the Official Opposition could have called that motion for debate. A mere two legislative days beforehand, it was so important to change the procedures of the whole day, and now, when it is time to debate motions, it is a procedural motion about the Legislative Assembly and the rules therein, which really is — and some colleagues have already mentioned this — probably best suited for SCREP, the special committee.

It is a very interesting decision from the members opposite. Of all the important issues to pick from, I guess, the Yukon Party chose this as their top issue for the first Wednesday of the Fall Sitting — rules for debate in the Legislative Assembly. Rules that have been in place for 20 years — rules that they enjoyed or used for 14 of those 20 years — hardly, I would say, would rate as the top priority for Yukoners listening in, but I will leave that to members opposite to explain their priorities. It looks like they are counselling right now to find out what their response will be.

It is also puzzling why the members opposite choose to bypass the Standing Committee on Rules, Elections and Privileges — SCREP, for those paying attention. This brings the issue directly to the floor of the Legislature. Usually,

changes to the rules of the House come after debate, discussion, and agreement at SCREP. The one time that SCREP kind of met when I was in opposition was for these devices, and we barely could get into the room at SCREP, with the majority of the Yukon Party at that time. It was like: “No, we can only talk about just the ability to use the technology. We are not going to talk about anything else.” So, it’s a different approach now, and the member opposite has said: “Now that I am in opposition, I have learned so much.”

So, change management happens, and change management is good. But the shock in approach that the member opposite raises a number of questions. It also demonstrates the Official Opposition’s unwillingness to work with the other parties — something that we have come to expect here. The guillotine rule has been in effect, as I mentioned, since 2001. The Yukon Party was in office for 14 of those years. Was changing the guillotine a priority for the Yukon Party during those years? No, it was not, and I’ll admit it wasn’t a priority for us either when we were in our four years, the last legislative session. It had no interest in changing a thing at that time and very little interest in conducting the standing committee. So, Yukoners have to question why it is that this is an issue for the Yukon Party now that they are sitting in opposition and why all of a sudden. They didn’t want to change it during those 14 years of majority government; they certainly didn’t campaign on it.

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

**Speaker:** Order, please.

**Hon. Mr. Silver:** Thank you very much, Mr. Speaker. I think the member opposite had his time and now he should probably listen if he really wants to have a debate here.

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

**Hon. Mr. Silver:** He is laughing, so I guess he doesn’t want to have a debate; he just wants to unilaterally move forward.

So, here’s the thing, Mr. Speaker: I do know that it wasn’t in their platform. But again, their platform was full of change. They campaigned on implementing a carbon tax, where — the previous election to that, they said that diapers would be so expensive that all of Yukon would leave. So, they came on board on carbon taxing. They campaigned on doing better on reconciliation and land use planning, because their previous approach, again, got us all the way to the Supreme Court of Canada with an appeal. They said that they were going to do better on reconciliation. They said that they were going to do better on land use planning, and they admitted that they were wrong on that. And again, change management — absolutely. They said that the Yukon Liberals got it right on their climate action plan, and we appreciate that. We were in a debate where the Leader of the Official Opposition in the House said, “We think it’s a good plan and we would implement that plan.” That is good to know. Again, change management.

They even said that they would go so far as to change the legislation for mining in the Yukon. That is the first time that I have ever heard that from the Yukon Party. So, a lot of about-faces — good to see — but not this one.

Mr. Speaker, back to this particular context. The talk about changing the Legislative Assembly — we are all in; we

definitely want to have that conversation — but the result of the proposed changes, in isolation, without conversations or collaboration with all three parties — in isolation by the Yukon Party — would mean less certainty. There would be less certainty on when Sittings would end and probably less debate on budget bills. It depends on how they use that time.

Is the real objective simply to prolong the Sitting, maybe, and introduce uncertainty for the end of the Sitting, as they sit in opposition, now that they have had a change of heart, now they are not government? It would be great to see if they would commit after maybe a process where SCREP meets and we all decide on changes to the guillotine act and have all three political parties say that, if they have a majority, they won’t change it back. That would be nice to see a platform on. That is something that the Yukon Party could add to their next platform. I doubt they will. As he admitted to the Leader of the Third Party, he really enjoyed it when he was in government.

Again, this defeats the whole point of setting those fixed sitting dates. The alternative, of course, is that several bills simply would not pass. That could be a real jeopardy here. Maybe this is the outcome of the Official Opposition — I don’t know. I can’t speak on their behalf, that’s for sure. Mr. Speaker, you cannot simply remove one piece of the Standing Orders without considering the impact on the rest of the system, which is what they are trying to do. Again, it is the first time we have heard them talking about it. This motion has not considered the impact and is not well-thought-out.

As I noted, it would likely result in less debate on budget bills. If there was a particular piece of legislation that opposition did not want to see passed, or maybe certain things that they voted against on budget bills, here is an opportunity. This is less certainty, Mr. Speaker. That’s the fear. Again, maybe that’s not the intent. If we put this into the regular scheduled meetings of SCREP, which we now have, and which I have never enjoyed in opposition but we, as a Liberal government, have committed to and, as the Minister of Energy, Mines and Resources so eloquently put it, followed through on, there is an opportunity for this conversation, and we are willing to have it. The Leader of the Third Party is willing to have it. But it’s not as if the Yukon Party is presenting this in a way to make it seem like they really want to work together for democracy’s sake. It’s unfortunate, but this is what we have come to expect.

If the Yukon Party is serious about making the changes to our rules of debate, they should absolutely do it and bring it forth with a well-thought-out proposal to SCREP. We would absolutely relish the opportunity to see change, because, yes, some things that happened decades ago need to be considered again. I would have loved if SCREP had met regularly when I was in opposition, because we could have had that debate long ago. This could already have changed. We didn’t meet. There was a lot of standing committees that just didn’t meet with the majority Yukon Party.

The main reason for the guillotine, as we know, was to bring an end to those late-night sittings — on those rare occasions, early mornings, as well — that the previous system produced. The Yukon is, I believe, the only legislature in

Canada that does not have a regular time allotment mechanism in our rules. Instead, we have the ultimate time allocation mechanism, and that's that the Sitting ends after 30 days — not a perfect system, absolutely.

That system seemed to suit the Yukon Party just fine for 14 years when they were in office, and their flip-flop on this issue is something to see, that's for sure.

Twenty years ago, the guillotine was introduced, and it was brought in alongside considerations about the length of the Sitting. They're kind of in parallel, but one begat the other. These are two sides of the same coin, though, one would argue. Tampering with the guillotine clause without also looking at the time allocations for debate, pieces of legislation being brought before this House — I believe that's irresponsible, Mr. Speaker.

Let me be clear: Ensuring that the Standing Orders of this Assembly are effective and serving the democratic needs of Yukoners is very important, and we're absolutely willing to have this conversation. On this side of the House, we're welcoming that opportunity to review these matters, but we firmly believe that it needs to happen in tandem with considerations on the length of the Sitting.

Again, there is a standing committee in this Assembly that is designed specifically to look into these kinds of issues. This is the obvious place to raise this issue to ensure that it is given proper consideration with input from all parties. I'll leave it there.

**Hon. Mr. Clarke:** Thank you, Mr. Speaker, for the opportunity to speak to Motion No. 113, that Standing Order 76 of the Standing Orders of the Yukon Legislative Assembly be amended by deleting all instances of the words “Government Bill” and substituting in their place the words “appropriation bill”.

I'll start with some general comments, and then I have some specific observations, as well. Some of this ground has been well trodden.

I certainly take the comments from the Member for Copperbelt South to heart in that it is true, for Yukoners listening at home, that the Yukon is the only jurisdiction in the country — so the only provincial jurisdiction or federal House of Commons or the territories — that has our type of business-ending mechanism.

As we have heard from a number of speakers, it occurred because there was no way to end filibusters, essentially, and the legendary all-night sessions of some of the MLAs who went before us. I also understand from the comments of the Member for Copperbelt South that there were some interesting evening sessions after there was a pause for dinner. So, there were reasons why this occurred.

Also, in my discussions with the current Clerk and the former Clerks of the Assembly, I am advised that it was the consideration of the MLAs at the time that this is a last gasp, or it's a complete emergency measure — a measure of last resort. Surely the members will be able to gather, negotiate, wrangle, horse-trade — whatever you wish — and reach an agreement to pass all legislation, both appropriation acts and the regular

government business — without resorting to section 76, the forced, business-ending mechanism.

I was advised that the prediction of the culture of negotiating and working things out among members lasted exactly one session. One Sitting after the business-ending mechanism known as the “guillotine” was instituted, business was completed without that mechanism being enacted, and then for every Sitting — I guess it was 2003 up until the COVID-shortened Sitting of March of 2020 — some measure of guillotine was required to complete some of the legislation.

Despite the best intentions, or the best thoughts of both the Clerks at the time and the hardworking MLAs at the time, it didn't — to be blunt — work out as they thought it would.

So, in listening to the Leader of the Official Opposition, who is fair in some of his characterizations, you have a majority government of 2002, a majority government of 2006, a majority government of 2011, and a majority government in 2016. Those governments — both parties have been fair in saying that it wasn't a priority to address the guillotine, and, in my view, in consequence of that, you now have 20 years of probably a culture of negotiating and horse-trading and working things out that has pretty significantly atrophied, and perhaps we all thought there would just be majority governments from now until eternity, or some measure of eternity, in the Yukon. Well, that didn't happen.

The Member for Lake Laberge has been around for almost all of this, and other members of the House have certainly been part of the sort of non-negotiating environment, with respect to time limits, to the point that the Member for Klondike, the Hon. Premier, and the Minister of Energy, Mines and Resources, as well, indicated that the committees probably haven't been appropriately operationalized, and that notwithstanding that SCREP did meet seven times, as the Member for Copperbelt South indicated — he accurately indicated what the work product was. I think that the other work product was that there was an agreement for a First Nation land acknowledgement and also acknowledgement of the other 12 Yukon First Nations in addition to the fixed Sittings and some limits on tributes. There has been an agreement to limit individual tributes now, as well.

The high level is that there really hasn't been — and perhaps it is human nature — but there hasn't been an incentive since 2002 — now one, two, three — it was four majority governments and now a minority government — incentive to work together to come up with a work plan as to, if you have 10 bills, well, there is a pizza graph worth of time available and the hardworking Clerks can tell us how many hours we have, once we know the length of the Sitting, and the House Leaders — perhaps it requires more than the House Leaders — can get together and allot time with some flexibility.

I concede that this requires negotiating, and it will require the work of SCREP to do some substantive work. Our government has committed to have SCREP sit — to meet, convene — four times a year, so this can certainly form a part of their work plan.

We've also heard in the contributions of members this afternoon that most non-appropriation act legislation, or bills

that become legislation, statistically have not been guillotined. I take the Leader of the Official Opposition's point that there are some notable exceptions, but, in general, the non — when we get close to 30 days or 35 days, the last piece of legislation that tends to have business-ending measures in place tends to be the money bills. Probably the good work of SCREP could involve just, well, rolling up our sleeves, sharpening our pens, pencils, or iPads and coming up with an appropriate time allotment.

I had a look as to the nature of the scheduling of the Sittings since the agreement on section 76 of the Standing Orders. Most members will know that it has been significantly regularized, and the Yukon Liberal government, in the 34<sup>th</sup> Legislative Assembly, codified it through having presumptively 30 sitting days in the spring and 30 days in the fall, although it is, of course, at least notionally subject to debate, but pre-COVID, that's exactly what did occur. It was 30, 30, 30, 30, 30 up until March 2020. It wasn't much different, in fairness, for the 31<sup>st</sup>, the 32<sup>nd</sup>, and the 33<sup>rd</sup> — really just varying between having slightly fewer days in the fall — 28 days — and 32 in the spring by virtue of the fact that you have a main appropriation act that could require more debate.

Notwithstanding the work of SCREP to codify the fixed time, as I said, it has been pretty usual. The sitting days have been reasonably uniform. Then you sort of ask — well, it's a subjective and objective situation. Is there sufficient time to debate all of the business that's provided either in the spring or in the fall? The Clerks will provide the data that I would hope SCREP will do — the statistical background — but, generally speaking, by committing its members to sit for 60 days effectively in a given year, the Yukon is either average or slightly above average for small- to medium-sized jurisdictions. As a comparison, if you are comparing it to PEI or New Brunswick or the northern territories, one can usually infer — or make some sort of analysis — and can say that we are sitting probably a few more days than some of those jurisdictions. They have obviously made the call or determination that this was sufficient time to conduct the business that they put forward — sometimes in jurisdictions that are significantly larger, such as in New Brunswick with 700,000 or 800,000 people or Prince Edward Island at 120,000 or 130,000 people.

We are respectfully in the ballpark in the number of days that we are sitting. It may be said that, well, you are not providing enough opportunity or enough hours for full consideration. That is where you come back to the concept of the House Leaders taking a more robust role, or perhaps even the party leaders taking a more robust role, at the beginning of a session to divvy up the available hours. What has happened now is that, for strategic reasons, the opposition will determine that they will use a certain number of hours, but the members opposite have to be aware that it is a zero-sum game. In some respects, since 2002, it has been a zero-sum game. There are a finite number of hours that are available, so it has to be divvied up.

However we potentially dismantle the guillotine clause, it seems to be that it is unlikely that, with the data that we will get

from the Clerks, we will be agreeing to sit for a lot more than 60 days in the year — that, on a national survey, seems to be a reasonable time. I think we just have to do the work here.

One of the main concerns that the Minister of Energy, Mines and Resources raised was that you could remove all non-appropriation bills from section 76, but you are not having a concurrent discussion about closure. I think it is obvious that, if this matter is referred — and I would suggest that it should be referred to SCREP with a robust mandate and perhaps even with some robust guidelines as to returning to the Assembly. Sure, section 76 — this motion could be largely adopted, but you have to have the concurrent closure mechanism.

Some members will be aware, but I guess that the biggest comparator on time management is the House of Commons. I will read briefly from the *Canadian Parliamentary Review*, spring 2013. There are three options for time management or time allocation: Standing Order 78(1), Standing Order 78(2), and Standing Order 78(3) — and I quote: “As noted earlier, the time allocation rule (Standing Order 78) was created in large part because of the opposition's negative reaction to the government's use of closure. After a trial period between 1965 and 1968, time allocation in its current form was added to the Standing Orders in 1969. It is a more flexible mechanism than closure and encourages negotiation among the parties.

“The time allocation rule allows for specific lengths of time to be set aside for the consideration of one or more stages of a public bill. The term ‘time allocation’ suggests primarily the idea of time management, but the government may use a motion to allocate time as a...” — wait for it — “... guillotine. In fact, although the rule permits the government to negotiate with opposition parties on the adoption of a timetable for the consideration of a bill at one or more stages (including the consideration of Senate amendments), it also allows the government to impose strict limits on the time for debate.”

Now we have the three examples, which, I expect, we would likely adopt if we got down to the fruitful work at SCREP.

“The time allocation rule provides three different options depending on the level of agreement among party representatives. ‘Section (1) of Standing Order 78 envisages a circumstance where there is agreement by representatives of all parties on an allocation of time for the proceedings at any or all stages of a public bill.’ The end result, then, is not much different from unanimous consent, except that one or several stubborn independent MPs can easily be outflanked under Standing Order 78(1). Since it requires the formal agreement of the opposition parties, this first form of time allocation cannot be considered a hostile time management tool. The second option, Standing Order 78(2), ‘envisages a circumstance where a majority of the representatives of the parties have agreed on an allocation of time for the proceeding at any one stage of a public bill.’ Here again, this is not an example of the government forcing the curtailment of debate. Finally, ‘section (3) of Standing Order 78 envisages a circumstance where agreement could not be reached under either Standing Order 78(1) or 78(2) on time allocation for the particular stage of a public bill currently being considered.’ Note that it is

possible to use a single motion to allocate time for the report and third reading stages. Moreover, the government must give notice of its intent to use time allocation under Standing Order 73 in a sitting prior to adoption of the measure. Standing Order 78(3) is by far the most commonly used form of time allocation and, like closure, can certainly be called a hostile time management method. Consequently, this analysis will look only at this last form of time allocation.

“A review of the use of Standing Order 78(3) shows that as of June 23, 2012 — that is after the summer 2012 adjournment — time allocation has been imposed 168 times on 118 different bills and 241 stages of debate.”

There is an analysis here of what they did.

“One early conclusion is that time allocation is unquestionably the most popular form of time management. Standing Order 78(3) was used in about 80 % of the cases where debate on the passage of a bill was curtailed. In total, the government has ended debate on 150 bills at the expense of opposition parties. Time allocation has cut short debate on 118 of these 150 bills while closure has affected 24 and routine motions by a Minister, the remaining 8.” I will just finish here. “The 150 bills involved make up only a very small fraction of the 5,278 government bills introduced in the House of Commons since 1912.”

My conclusion is that there is room to send this to SCREP. I take the point by the Leader of the Official Opposition that perhaps it has gained some urgency, but it is likely that Yukoners are well-served by MLAs who can sit down, do the hard work, and negotiate these types of matters.

**Hon. Mr. Mostyn:** This has certainly been an interesting discussion this afternoon. I will say that, as chair of the Standing Committee on Rules, Elections and Privileges, I have to say that I'm more than a little perplexed by this afternoon's motion. Frankly, I suggest that the whole affair is kind of an offence against the thoughtful, democratic processes of this House.

We have a committee, Madam Deputy Speaker, to deal with these issues. It is the Standing Committee on Rules, Elections and Privileges. We have spoken about it quite a bit this afternoon. I chair it. Since we have been elected, it has met seven times. The Yukon Party, after more than a decade in office, scheduled one meeting. This year, I have called three meetings. It has met three times. Before the end of the year — perhaps as soon as November — we will meet again, as promised. Supported by the Legislative Assembly Office, this committee researches and makes recommendations to the House on changes to improve the processes that this Chamber lives by every day. The Yukon Party is represented by the Member for Lake Laberge and the Member for Watson Lake. They have populated the work plan. They are the ones who have proposed a lot of the issues that we are dealing with right now in this committee.

The committee is looking at improvements to Question Period to ensure that the opposition gets all the promised time from the government ministers answering questions. That issue is currently being researched by the team right now, as are

ministerial statements. Just this afternoon, I brought forward a motion to trim a few minutes per session from Tributes. We did it to give the opposition more debate time. We did it through the Standing Committee on Rules, Elections and Privileges. It works.

We are exploring bringing more inclusive, gender-neutral titles into this Chamber. The Member for Whitehorse Centre brought that forward, and we support it. When it was introduced, it seemed like a simple fix, but within about 10 minutes of discussion among ourselves at the table, we found that even that isn't so simple. Even something as simple — seemingly as simple — as that has many, many implications for this Chamber, for the people of the agencies that swirl around it. That case, though, is illustrative as we look at reworking the House so fundamentally.

If we were to get rid of Standing Order 76, what isn't being considered? Madam Deputy Speaker, we don't know what we don't know at the moment.

Through this standing committee, we're working together in the interest of all parties and for those politicians who follow us into the future, and, yes, Standing Order 76 is on the work plan that we have developed together as collaborative politicians on the committees that the Leader of the Official Opposition has said are so important.

As a matter of fact, Standing Order 76 is on the work plan because the Member for Lake Laberge put it there. He sits six feet to the left of the Leader of the Official Opposition. So, imagine my surprise finding this motion on today's agenda, a mere 24 hours after it was revealed to the House yesterday.

This unilateral motion proposes a significant change to the way the Chamber serves the best interests of Yukoners and, because of the way it was presented — with no discussion, just sort of slipped in — it demands an answer by 5:30 p.m. this afternoon. Research? Madam Deputy Speaker, none, nada, nothing.

How do we replace Standing Order 76? No idea — nothing proposed, just do it.

How would this specific change — initially implemented 20 years ago among a suite of procedures that work synergistically, like the length of the Sitting — affect the way this House works? We have no idea — nothing.

Best practices in Canada to follow? Well, Madam Deputy Speaker, your guess is as good as mine. There is no information provided, no time given to gathering, no heads-up, and no warning. What we are seeing here is a political bushwhack. That bushwhack sidesteps our established all-party committee structure. I have to ask why.

I know that the Yukon Party platform in the last election called for an amendment to the Standing Orders to prevent the use of Standing Order 76 for changes to the *Elections Act*. That's all it said — period — the *Elections Act*, period. Fine. As the Premier said, we are willing to consider this and other changes to improve the way this House works and make it more democratic, but we are willing to do that through the proper channels, and this isn't that. It leads me to wonder: Why pursue this from the shadows with no forewarning, outside of a system to effect change — the Standing Committee on Rules, Elections



and Privileges — that is working? Why would you do that? That's a good question. I have been listening for an answer all afternoon, and I haven't heard a single one — not a good one.

Once again, the Leader of the Official Opposition is demonstrating that he's not really interested in serving Yukoners. He's interested in playing games and playing politics. I ask each and every one of you how this serves the best interests of Yukoners. How does the way that this has been presented serve us in this House? It is a fast and loose approach, and I have yet to hear an explanation. I hear the sentiment that it is good for the people, and I totally agree with that. I know that we have had these discussions within our caucus, and that's why we're so willing — why I'm willing — in SCREP to have it there. It is important.

I heard the Leader of the Official Opposition say today that he saw nothing wrong with it when he was a minister. Now, in opposition, he sees things a little differently. I am glad to see the change in perspective after more than 10 years in office.

What the opposition leader seeks to do with this motion is end the long-standing practice of Standing Order 76, and this is where things become a little junky and legislative and, well, possibly boring, so bear with me. I'll try to make this as interesting as possible.

The Standing Order allows a bill to become law once it passes second reading in the House. It allows the government to pass a bill, even if it hasn't been fully debated. It's not perfect, and it's certainly not entirely democratic, but most of us know that. Most politicians have known this for 20 years.

I appreciate the historical context provided by the Member for Copperbelt South. He's a very astute and compelling parliamentarian.

But we also know that the Standing Order is hardwired into the functioning of this House. Sometimes when you nick something without thought or research, things break. So, what would happen? Again, I don't think we know. I don't think we put enough time into this to think about it.

What we do know is that, 20 years ago, House Leaders of all parties met and came to some sort of agreement on how to run the House. The result was not a single motion unilaterally ending a single procedure of the House; it was a considered suite of procedures thousands of words long that changed the length, the procedures at the end of the Sitting, and other miscellaneous rules.

On the Standing Committee on Rules, Elections and Privileges, we are committed to explore a similar appropriate reworking of the rules that would be democratic, fair, and modern. We remain committed to that. As I said earlier, it's on the work plan, until this motion was unceremoniously chucked into the Chamber without notice by the opposition leader — and I'm not sure why; I really have to just speculate.

Now, it bears noting as well, Madam Deputy Speaker, that, as in most legislatures, the opposition, you see, has control over how long matters are debated in the House. The opposition leaders have criticized the lack of debate, but they're the ones who choose what to debate and for how long.

I remember, a while back now, spending days and days and days and days and hours debating a nine-page bill. It was the

longest debate per page in this Legislative Assembly's history. It was done at the whim of the opposition. They controlled it. That is how it works.

If they spend more time on a money bill, say the *Airports Act*, other legislation gets less attention. That is just the way of it in legislatures across the country. In the end, the opposition could split its time among 10 bills or focus entirely on one. If that happens in a 30-day session, the other nine bills would die on the vine without the guillotine. Could that happen without any statement from the opposition? They could allow, say, the progressive *Worker's Safety and Compensation Act* to expire without comment. All that work the departments have done would just vanish. Poof.

The rules of 2001 came about through a compromise between political leaders at the time who were tired of legislative brinkmanship that caused debates to run all night. Instead, they brought in a limit on the sitting days and Standing Order 76 to allow bills to pass in a tighter time frame.

I don't know what the goal was here. I know it was in the platform, but it has also been expanded now to a much, much broader discussion. As I said, that is fine if it comes through the proper channels, but this isn't it. I think we have heard that from a lot of the speakers this afternoon.

It is possible. I don't know what the motive is. Perhaps the Yukon Party, this time, just wants legislation to die quietly at the chime of the clock without showing the public their hand, without stating clearly where they stand on matters important to Yukoners. This MO suited the opposition leader just fine, as I will explore in a moment.

I am also taken aback at the surreptitious tactics the Member for Copperbelt North used to smuggle this motion into the House. It really is funny behaviour, Madam Speaker. I argue that it is sort of a dubious tactic unbecoming of Her Majesty's opposition leader. Of course, I admit, I have relatively low expectations here this afternoon — based on this particular leader's long-standing and well-understood reputation of not taking a position on anything important. We saw this during the hugely expensive and destructive Peel watershed land use planning exercise — he bungled and landed in court, costing Yukoners millions.

We saw it with his reluctance to take a stand on vaccinations or masks, which we routinely saw hanging off his ear in social media posts, signalling both acceptance and contempt of personal protective equipment, depending on your views of the matter.

We saw it with his filibustering to avoid having to give a simple transparent answer — yes or no — to his party's support for the Yukon's state of emergency. Heck, we even saw it during the last federal election where, having actively recruited a Conservative candidate to replace the one his federal party unceremoniously dumped days before the election, he failed to support. Instead, he declared himself "neutral" — Switzerland — torn between two Conservatives. There he sat, balanced delicately on the peak of the Yukon Party — the weather vane leader, signalling centre-right, moderate, or far-right libertarian, depending on, again, your political views.

So, it is hard to build public trust when you are rewriting the rules of the Legislature in the back rooms with the old boys, perhaps over cigars and Macallan, and then surreptitiously bringing these measures into the House by quietly slipping a note bearing the motion onto the desk of the Clerks at the end of day before the Thanksgiving long weekend.

There are better ways; there are better ways. Let me suggest one: Do it in the open, publicly. Every day his colleagues stand up and publicly declare well-crafted motions to Yukoners, which are chronicled in Hansard — not this time. How come? Or you could simply do it through the Standing Committee on Rules, Elections and Privileges. It is already there, in the queue.

For years, I have heard the Official Opposition champion transparency, and now, instead, we see a furtive motion slipped quietly to the Clerk, as the House was breaking for the weekend. Is that how you serve Yukoners — with clandestine actions — or is this a game played for political advantage? I know how I see it — a game played for political advantage — and I state that plainly in this Chamber this afternoon. This matter deserves attention, not a fast and loose fix shepherded into the House quietly through the back door, minutes before the Thanksgiving break.

So, rather than adopt the Member for Copperbelt North's fast and loose and flimsy motion, I suggest that we do it properly through the Standing Committee on Rules, Elections and Privileges.

I will propose an amendment this afternoon, and I have copies here for the House.

*Amendment proposed*

**Hon. Mr. Mostyn:** I move:

THAT Motion No. 113 be amended by:

(1) inserting the phrase “the Standing Committee on Rules, Elections and Privileges begin considering before November 12, 2021, whether” after the word “THAT”;

(2) inserting the word “should” before the words “be amended”; and

(3) inserting the phrase “and any necessary related amendments to other standing orders” after the words “appropriation bill”.

**Speaker:** It has been moved by the Minister of Community Services:

THAT Motion No. 113 be amended by:

(1) inserting the phrase “the Standing Committee on Rules, Elections and Privileges begin considering before November 12, 2021, whether” after the word “THAT”;

(2) inserting the word “should” before the words “be amended”; and

(3) inserting the phrase “and any necessary related amendments to other standing orders” after the words “appropriation bill”.

The motion, as amended, would then read:

THAT the Standing Committee on Rules, Elections and Privileges begin considering before November 12, 2021, whether Standing Order 76 of the Standing Orders of the Yukon

Legislative Assembly be amended by deleting all instances of the words “Government Bill” and substituting in their place the words “appropriation bill” and any necessary related amendments to other standing orders.

The Minister of Community Services, you have two minutes and 21 seconds.

**Hon. Mr. Mostyn:** Thank you very much, Mr. Speaker. As I have just a couple of moments left, I won't take very much time. I believe that the amendment that I just tabled here in the Chamber goes a long way to providing the scrutiny and the oversight that this matter needs. We have a tremendous group of people in the Legislative Assembly Office who have a great skill set to be able to explore this issue and provide the research and the options that we'll need to go forward. They have done that on many issues already, and I'm sure that they will on many others as we go through the work plan.

I believe that bringing it forward quickly on November 12 demonstrates our commitment to actually making this House more democratic for ourselves and for future politicians coming forward.

This is an important issue, I know, for my colleague, the Minister of Highways and Public Works, among others here in our caucus.

I really do look forward to seeing it come before the Standing Committee on Rules, Elections and Privileges, which is the proper venue for these types of decisions. We have a committee structure. The committee structure works. It brings us all together to work collaboratively on issues that are often hard and difficult to navigate, but doing it together ensures that it will be fair and that appropriate thought and planning will go into the implementation of changes to the standing orders that affect all of us in this House.

We don't want this to become unbalanced. I think that this is the appropriate way, and I hope, in the future, the Leader of the Official Opposition will reach out and talk or come forward with his ideas, prior to actually springing it on us, without bushwhacking us in this House, Mr. Speaker.

Thank you very much for your time this afternoon.

**Hon. Mr. Pillai:** Mr. Speaker, I rise today to speak to the amendment to Motion 113. I do appreciate the approach that my colleague has taken. I think, first and foremost, the experience in this particular mandate has been that there is incredible capacity within the Legislative Assembly staff. Certainly, I have had the opportunity to attend some committee meetings, having that support, which then, in some cases, provides us with significant research and data points that we then can use to make our decisions versus coming in on a Wednesday to take on something that has been such a significant part of the Assembly over the last two decades.

From the research that I have had the opportunity to undertake on this particular topic, there are varying perspectives on it, even from some political parties. If you go back to comments that were made in 2008, you will find that the then-Leader of the NDP felt very strongly about the elimination of this particular clause. Previous members of that

leader's caucus in the NDP had a different view. They felt it was something that only had to be changed pending the political party that was in power at the time.

I think what we have been able to experience in this particular mandate is an enhanced collaboration. Maybe folks would say that, well, that is the element of a minority Assembly, but inevitably, whether you want to say "forcing" or "causing", the end result is that we are in a position where there needs to be more compromise and more discussion. That's why you are hearing, from many Yukoners, their support for this structure. That is why you hear individuals globally talk about governance in other areas, primarily European countries, where you do see minority governments and you do see this collaboration that happens.

When I think back to the spring of 2020, my colleague from Mount Lorne-Southern Lakes had a perspective on it. There was a retort from the Member for Copperbelt South, and I can remember walking in that day and the guillotine clause was used. I think that, for the record, there were two departments that were in place, which were Energy, Mines and Resources and Economic Development. My colleague said to me, "Get ready, you are in for a long evening." That's part of your job. You come in and you prepare. At that point, the decision was made — kindly, I think — by the opposition to say, "Look, I think that, at this particular time, based on the circumstances, we should probably conclude." Folks at that particular time were really focused on the health and well-being of their families, their communities, and the constituents that they represent.

I do feel that, in our Wednesday debates — earlier today was another great example of such an important, emotion-filled discussion where a young Yukoner all of a sudden has this opportunity to be able to undergo treatment in the near future that is really going to change their lives. How do you have a debate based on data while an individual is sitting here who is so close to having their life hopefully changed by this? But we do have that obligation to do the due diligence and talk about the data points because that's part of our responsibility.

Again, to come in today, after a particular clause that has been in place for two decades while there is a very significant two-year work plan that was touched on by the opposition — and there is this immense capacity among the individuals who are technically supporting all of us to do that work — it would just seem that it would be the appropriate place for this to happen. I think that, although we have jockeyed back and forth and there has been debate, there seems to be an overarching theme, which is that all three parties want to work together —

**Speaker:** Order, please.

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

*Debate on Motion No. 113, and the amendment, accordingly adjourned*

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