



Yukon Legislative Assembly

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HANSARD

Thursday, October 14, 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
Hon. Sandy Silver	Klondike	Premier Minister of the Executive Council Office; Finance
Hon. Tracy-Anne McPhee	Riverdale South	Deputy Premier Government House Leader Minister of Health and Social Services; Justice
Hon. Nils Clarke	Riverdale North	Minister of Highways and Public Works; Environment
Hon. John Streicker	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
Hon. Ranj Pillai	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
Hon. Richard Mostyn	Whitehorse West	Minister of Community Services; Minister responsible for the Workers' Compensation Health and Safety Board
Hon. Jeanie McLean	Mountainview	Minister of Education; Minister responsible for the Women and Gender Equity Directorate

OFFICIAL OPPOSITION

Yukon Party

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

THIRD PARTY

New Democratic Party

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

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**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, October 14, 2021 — 1:00 p.m.**

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

Prayers

Speaker's statement — in recognition of Ombuds Day

Speaker: The fourth annual Ombuds Day is today, October 14, 2021. This international event seeks to improve public awareness of Ombuds and their work. I would like to recognize Jason Pedlar, who is in the gallery today, from the Office of the Ombudsman. Welcome.

The theme for 2021 is “Ombuds: Exploring Options to Resolve Conflict Together”. The goal for Ombuds Day is to educate the public about the role of Ombuds, explain the wide variety of services that Ombuds provide, encourage greater use of Ombuds programs and services, and highlight the value that Ombuds bring to the institute and constituents they serve.

The Office of the Ombudsman in the Yukon was established in July 1996 when the *Ombudsman Act* was proclaimed. The Yukon Ombudsman is an officer of the Yukon Legislative Assembly and operates independent of government. The role of the Yukon Ombudsman is to take complaints from citizens who feel that they were treated unfairly when accessing a service delivered by government or other public authorities and to carry out confidential, neutral, impartial investigations of such complaints, free of charge.

Ombuds are uniquely qualified to resolve conflict and to serve as a conduit for change through their ability to bring significant and/or repetitive issues to management's attention in a safe and confidential way, particularly with sensitive or controversial issues. They may raise issues to leadership that others cannot or will not discuss. This includes identifying unintended consequences of programs and policies that negatively affect constituents.

The Office of the Yukon Ombudsman provides significant value to Yukon citizens and society. Yukoners can learn more about the role of Yukon's Ombudsman by visiting the office website or by contacting the office directly.

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Ms. McPhee: Mr. Speaker, I ask my colleagues to help me in welcoming a number of guests we have here today for one of the tributes. We have Samantha Stewart and Megan Lee, who are infection control nurses. We have Howard Carvill and Bert Perry, who are resident ambassadors, and we have Debbie Wren and Quin Maltais, who are recreational therapy assistants. Thank you for being here.

Applause

Hon. Mr. Mostyn: This afternoon I would like to introduce my friend and former colleague, Andrew Robulack, and his wife, Jennifer. Please give them a warm welcome to the House this afternoon.

Applause

Speaker: Tributes.

TRIBUTES

In recognition of Global Handwashing Day

Hon. Ms. McPhee: Mr. Speaker, I rise today in this Legislative Assembly on behalf of all members to acknowledge October 15 as Global Handwashing Day.

I know that it is a bit unusual to make this tribute, but it is an indication of how important handwashing has become, and is, in our communities.

These year's theme, “Our Future is at Hand — Let's Move Forward Together”, calls for us to commit to developing and funding country road maps to accelerate universal hand hygiene.

This year's theme calls on all of society to collaborate as we scale up hand hygiene and reminds us that we must work together toward universal access and practice of hand hygiene. No matter your role, you can celebrate Global Handwashing Day.

I invite all Yukoners to take the time today to reflect on the importance of handwashing with soap as an effective and affordable way to prevent disease. As we continue to live with COVID-19, this day is a good reminder that one of the most effective ways to stop the spread of a virus is also one of the simplest.

We know that handwashing contributes to stopping the spread of COVID-19, and for people living in long-term care settings, routine handwashing plays an important role in the quality of care provided to residents.

Joining us today, we have two resident hand hygiene ambassadors, Howard Carvill and Bert Perry, who both live at the Thomson Centre and who provide tremendous support by working to shine a light on the importance of handwashing in their community. Thank you for the work that you do to keep our seniors safe and ensure that they receive the quality of care they deserve.

Hand hygiene plays a critical role in disease transmission, and washing with soap and water is simple, but it is often neglected. It must be a priority now and in the future.

We make great efforts in our schools to teach children how to properly wash their hands. What does an effective handwashing routine look like? You should be washing your hands frequently with warm water and soap for at least 20 seconds. Germs that can cause diseases can take up residence on our hands. Water alone does not remove them, but soap helps to break down germ-carrying oils. Soap also helps to make sure that you rub your hands together, which causes friction, and that also helps remove germs from your hands.

As we continue to battle COVID-19 and as we head back into flu season, it is crucial that we continue to practise good hand hygiene. Beyond COVID-19 and influenza, maintaining good hand hygiene helps to prevent many other infections and food-borne illnesses like salmonella, hepatitis A, and E. coli. According to the Centre for Disease Control and Prevention, effective handwashing can prevent about 30 percent of diarrhea-related sicknesses and about 20 percent of respiratory infections.

Global Handwashing Day also reminds us of the privilege that we have in Canada. According to the World Health Organization, only 60 percent of the world's population has access to basic handwashing facilities, like a sink with soap and water, in their homes. Here in the Yukon, we are fortunate to have ample access to soap and water, along with some fantastic made-in-the-Yukon soaps.

Handwashing is an easy and affordable way that we can take charge of our health.

I would like to thank all Yukoners and ask them to consider their handwashing routines. Are you washing often enough for long enough? Good handwashing routines can save lives, Mr. Speaker. I want to thank all those who continue to practise good hand hygiene. Thank you to our guests here today.

Applause

In recognition of municipal elections

Hon. Mr. Mostyn: I rise today to pay tribute to the hard work and dedication of our elected local government officials and to recognize the Yukon's municipal governments and local advisory councils.

Local government is vital to our democratic system. I cannot stress that enough. It ensures that critical decision-making is done at a local level. Municipal governments and local advisory councils provide invaluable programs and services that support their residents to live healthy and happy lives.

In fact, as I learned in my years as a municipal reporter of the *Yukon News*, local government is where decisions can make the biggest impact on the health and vitality of the community. Those officials know their community's priorities and are instrumental in ensuring the sustainability of their communities.

Yukon is a vast territory, diverse in its geography and diverse in its people. Each community and area has a character of its own, unique to the individuals who live there. Local government officials know and understand that.

Our government is always at the ready to support our locally elected officials. The Community Affairs branch works closely with them to offer guidance on effective local governance, strategic planning, and various developmental matters of importance to the community. We are excited to offer these supports to our local elected officials and to help them prepare for their new roles as they strive to make their communities more vibrant, healthy, and sustainable.

Mr. Speaker, giving back to your community is such a rewarding experience, but as I've told many of them during my

recent community tour, I also know how much work it is and how hard being a decision-maker can be, especially lately.

They are incredible leaders and have distinguished themselves over the last few years in so many ways. So, I would like to take a moment to thank all of this year's candidates for municipal or local advisory council — those running again as well as those who are dipping their toes into the water for the very first time.

Mr. Speaker, today I would also particularly thank three mayors who have served their communities tirelessly over the years: Whitehorse Mayor Dan Curtis, who began his career as mayor of Whitehorse in 2012 and has distinguished himself through his love of the city and its citizens — all its citizens, Mr. Speaker — and Dawson Mayor Wayne Potoroka, who took up that role in 2012 and who has been a pleasure to work with. A special thank you to Village of Mayo Mayor Scott Bolton, who is passing the torch after five and a half terms as mayor — a very important distinction; he was first elected in a 2004 by-election. I would like to recognize the amazing Whitehorse city manager, Linda Rapp, who is retiring after an incredible 34 years of continuous service, though she humbly prefers the title “unsung hero”, which she is. Linda recently received the Hanseatic Award for public service. Many, including myself, thank her for her tireless service for more than three decades. I would also like to acknowledge the late Jo-Anne Smith for many years of commitment to her community as a member of the Marsh Lake Local Advisory Council. When I was in Marsh Lake, I heard how much they cherished Jo-Anne.

Our elected municipal and local advisory council members have helped shape the Yukon, making our communities truly the best on the planet. To all of our outgoing mayors and councils, thank you, on behalf of my colleagues, for your service. I invite all Yukoners to get out to vote on October 21 and I wish all of the candidates well on their campaigns.

Ms. McLeod: Mr. Speaker, I rise on behalf of the Yukon Party Official Opposition to recognize and pay tribute to all those who have put their names forward in hopes of serving their community during 2021 municipal and local area council elections. Today, I especially want to offer our thanks to Clara Jules for her thirty years of service to the Village of Teslin, as she won't be seeking re-election in this term. Many of us know Clara and appreciate her for the work that she has done. Every one of the members sitting in this House today know just how daunting and how rewarding it is to make the decision to put your name forward, to debate issues publicly, to run a campaign, and to really get to know the people you are aspiring to represent.

Local governments make many decisions and deal with many issues that affect our daily lives — safety, transportation, infrastructure, maintenance. Every decision made or not made affects us in some way.

Candidates are making commitments to electors, and their job, if elected, will be to turn those commitments into action. While priorities will vary from candidate to candidate and from community to community, each has a common goal of making our communities better.

Municipal elections are as exciting as they are important, and I look forward to the outcomes of each election and to seeing those commitments upheld. So, thank you to all the candidates. We wish you the very best of luck in this upcoming election.

Ms. Tredger: I stand on behalf of the Yukon NDP to pay tribute to our municipal governments and local area councils. This morning, I woke up and started getting ready for my day. When I turned on a tap, water came pouring out of my shower, just like it does every day. That's something that I usually take for granted, but today I want us to stop and think about the logistics behind that. Many people have worked many hours to make sure that water arrived at my house this morning. On my way out the front door, I took out my compost and dropped it in my green bin, soon to be rolled out to the front curb. From my perspective, it magically disappears, but, of course, it isn't magic. It is hard, careful work by my municipality.

Next, I made my way to work across sidewalks and streets, paved, painted, and signed — again, thanks to the work of my municipality. All day, every day, our lives are facilitated by the work of municipalities — by all their skilled and dedicated staff and by the people we elect to lead them. As we near elections across the territory, we want to thank the outgoing officials, mayors, councillors, and members of local area councils. Your work and dedication are so appreciated. To everyone who has put their name forward for the elections, thank you. It is not an easy thing to do. We appreciate every single one of you.

Finally, to everyone who has cast their vote already, thank you. To everyone who has not yet done so, please make sure that you find time in the coming weeks. So much of our daily lives depends on the decisions of municipal governments, and those depend on your votes.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Streicker: I have, pursuant to section 22 of the *Yukon Development Corporation Act*, for tabling the 2020 annual report for the Yukon Development Corporation, and I also have for tabling the 2020 annual report for the Yukon Energy Corporation.

Mr. Dixon: Mr. Speaker, I have for tabling a letter dated October 6 from the current Mayor of Whitehorse to the Minister of Community Services, expressing concern about the proposed amendments to the *Municipal Act* and the *Assessment and Taxation Act*.

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

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

INTRODUCTION OF BILLS

Bill No. 4: Act to Amend the Motor Vehicles Act (2021) — Introduction and First Reading

Hon. Mr. Clarke: I move that Bill No. 4, entitled *Act to Amend the Motor Vehicles Act (2021)*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Highways and Public Works that Bill No. 4, entitled *Act to Amend the Motor Vehicles Act (2021)*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 4 agreed to

Bill No. 3: Act to Amend the Assessment and Taxation Act and the Municipal Act (2021) — Introduction and First Reading

Hon. Mr. Mostyn: I move that Bill No. 3, entitled *Act to Amend the Assessment and Taxation Act and the Municipal Act (2021)*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Community Services that Bill No. 3, entitled *Act to Amend the Assessment and Taxation Act and the Municipal Act (2021)*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 3 agreed to

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

NOTICES OF MOTIONS

Ms. Blake: I rise to give notice of the following motion: THAT this House urges the Government of Yukon to listen to medical professionals, NGOs, the RCMP, and people with lived experience by opening up a managed alcohol facility in Whitehorse.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to immediately address the mental health crisis among men in the territory by:

(1) increasing mental health services available to men;

(2) closing gaps in employment and purpose-building social supports among young indigenous men.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to work with health care providers and the Yukon Hospital Corporation to ensure that the over 2,000 Yukoners who do not have a family doctor have access to non-emergency primary care.

I also give notice of the following motion:

THAT this House urges the government to immediately hire and support the practices of nurse practitioners, RNs, and other primary care practitioners to close the gap of over 2,000 Yukoners without access to a family doctor.

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

THAT the chair of the Standing Committee on Rules, Elections and Privileges call a meeting by November 19, 2021 to address outstanding issues.

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

THAT this House urges the Government of Yukon to work with Keno City residents to implement long-term, common-sense solutions to municipal service provision in their community.

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

MINISTERIAL STATEMENT

Innovative Renewable Energy Initiative

Hon. Mr. Streicker: Thank you, Mr. Speaker. I would like to provide an update on renewable energy projects that we are investing in within our communities.

The Innovative Renewable Energy Initiative was established in 2017 to provide funding to support small-scale, First Nation- and community-led renewable electricity and heat generation projects. This initiative supports local communities to succeed in the emerging green economy and will provide Yukoners with cleaner energy sources.

I want to begin by acknowledging the communities and First Nation development corporations that have worked to advance renewable energy projects.

Climate change affects everyone, and it is clear from the increasingly frequent climate catastrophes around the world that more action is needed.

Last fiscal year, the Innovative Renewable Energy Initiative was fully subscribed by late summer and had a wait-list of funding applications that totalled nearly \$1.5 million. As announced in July, we have extended and expanded the Innovative Renewable Energy Initiative with changes that will make the fund more accessible.

We are providing an additional \$1 million in annual funding to enable more First Nation development corporations and communities to access the funds they need for their projects. This increase brings the total annual program budget to \$2.5 million, while the extension ensures that the program will continue until 2025.

Projects under the initiative are required to generate energy in the Yukon using proven technology from renewable sources. This includes a wide range of possible technologies, including solar panels, solar thermal collectors, wind turbines, biomass, gasification, hydro, geothermal, and energy storage.

The purpose of today's ministerial statement is to provide an update on some of these community renewable energy projects. These projects include: the four-megawatt wind farm project on Haeckel Hill that is now under construction; the proposed 2.85-megawatt solar project in the off-grid community of Watson Lake; and the currently operational 940-kilowatt solar array with battery system in Old Crow. In this fiscal year, the program is supporting a variety of different

proponents, including: the Klondike Development Organization for a 309-kilowatt solar project in Dawson City; the Solstice Clean Energy Cooperative for a community-owned solar farm; and Mgrid Energy for a feasibility study that will look at converting former brownfield in Carcross into a solar project.

The program funding covers 75 percent of eligible expenses to a maximum of \$500,000 per project, whichever is less. The initiative supports the territory's goal to have 97 percent of our energy generated from renewable sources and to have independent power production in all off-grid communities by 2030. These goals are part of the territory-wide *Our Clean Future* strategy. The strategy is our Yukon approach to tackling the climate crisis, and this initiative will play a key role in helping to meet our targets.

I am glad that we can continue this important program to support renewable energy projects, and I thank all the organizations and individuals who are working to advance our clean energy goals.

Thank you, Mr. Speaker.

Ms. Van Bibber: Thank you, Mr. Speaker, for the opportunity to respond to the ministerial statement.

The Yukon Party Official Opposition supports the development of green energy in the Yukon. Under a Yukon Party government, Yukoners saw the connection of the Whitehorse-Aishihik-Dawson-Mayo grid that removed tens of thousands of annual CO₂ emissions from our annual emissions when Pelly Crossing was taken off diesel energy. We saw the increased capacity developed at the Mayo dam facility.

Climate change is one of the most important challenges we face, and reducing our reliance on fossil fuels is a key step we can take here in the territory. We live in an energy-intensive part of the world and must make the most of our isolated grid; however, how you go about developing green energy is also very important. This Liberal government continues to pat themselves on the back for their green energy project work, but the results are limited. This announcement today appears to be more of the same. It's a new study to study the old study on green energy. It's like a Russian nesting doll where every study leads to another study, but we never see action.

At the same time, we see the Liberals constantly increasing our electrical rates for Yukoners. Under this government, we saw the Liberals increase electrical rates by 12 percent in 2019. This year, the Liberal government is seeking to increase them even further by 11.5 percent. According to the Yukon Energy application, Yukoners could see that increase applied to bills this December 1, 2021, with potential retroactive payments included. This means that the Liberals are giving Yukoners a lump of coal for Christmas with a brand new rate hike.

Can the minister guarantee that his announcement today won't result in additional rate applications to increase power rates? Also, can the minister tell us how many fewer diesel generators we will have to rely on this year as a result of today's announcement? I look forward to the minister's answers.

Ms. Tredger: Thank you, Mr. Speaker, and thank you to the First Nations and communities that have really led the way with renewable energy. Last summer, the diesel generators in Old Crow fell silent for the first time in 50 years. That is real leadership in moving away from fossil fuels.

First Nations and communities continue to lead the way. Projects in communities from across the Yukon have applied for funding through the Innovative Renewable Energy Initiative to develop proposals and get them off the ground. Because of their work, we'll see more wind and solar projects across the territory. That means less fossil fuels burned, less fuel trucked along the highways.

I hope that soon, across our communities, diesel generators will power down one by one, leaving room for the sounds of nature instead of the sounds of machines.

These are the kinds of projects that we need in order to reach our target of reducing greenhouse gas emissions by 45 percent. According to the UN, a 45-percent reduction is what is needed to keep warming to no more than 1.5 degrees Celsius, and that matters. It's predicted that, while there will be biodiversity loss with a 1.5-degree increase, if we go up to a two-degree increase, that loss is expected to double or triple. If we contain warming to a 1.5-degree increase, scientists project that the Arctic Ocean will become ice free in the summer about once every 100 years. If that increase rises to two degrees, it could be ice free in the summer once every 10 years.

So, thank you to each of the applicants to this program. Thank you for leading the way. We know this funding only covers the beginning of your projects, and we urge the government to be there with you, supporting you, as you lead the way toward a sustainable Yukon.

Hon. Mr. Streicker: I thank the members opposite for their comments and questions.

I agree with the Member for Whitehorse Centre that we do have a climate emergency here. We saw a lot of flooding this year — record high flooding. We think that's exacerbated by climate change, and so we see the effects that are happening right here. I think that it's very important — what we're doing.

I'll just mention some of the projects that are not about planning; they are in the construction phase.

Haeckel Hill wind farm — they are up there today, up at the top of the hill, working to install four megawatts. I got some recent reports on the work that is ongoing. They are actually putting up the work as we speak.

The Dawson solar, I think, is electrifying next week, so it's here.

As noted by the member opposite, the Old Crow solar and battery project started this past summer. It is great that there are times now when we don't have the diesels running in Old Crow. I think that's a great thing.

The Member for Porter Creek North asked about rates. I took a look at the rates that she is talking about and I saw that increase. I asked — to try to dig into that a bit — to try to understand what the cause of that rate increase was. The largest factor that I saw was the LNG plant, which came before I was ever elected into this Legislature. The challenge is that it didn't

go to rate right away. The members opposite actually pushed those rates down, and I think that's the wrong thing to do. We need to make sure that we allow the costs that are being accrued to come to rate over time so that we don't get big jumps. I think the point is that we need to see the work being done and decided upon by the Yukon Utilities Board, Yukon Energy, and through the 10-year renewable plan and *Our Clean Future* — that, over time, we see those changes.

I will work on the answer to the question about the diesel generators. Of course, it is our goal to get off of diesel generation. It is stated in *Our Clean Future*.

Just to finish, Mr. Speaker, I will note that, when the Yukon Party ran in the spring election, they said that they support the 10-year renewable plan, the Yukon Energy plan, and *Our Clean Future*. They had some other thoughts as well, and I think that those are great, but that's where all of this work is happening, so I hope that they are supportive. I am happy that, under their watch, we connected the north and the south grid. I am looking forward to going back to the Water Board for Mayo B and for Whitehorse. Those are coming up. These are incredibly important pieces of infrastructure for the Yukon. I think we have to move the energy economy to something that is more sustainable. That includes our electricity grid, that includes our transportation network, and that includes our heating.

I just want to say thanks to the Youth Panel on Climate Change that will meet tomorrow. We are going to be there to hear their recommendations about ways that we can make ourselves more sustainable here in the territory.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: Sexual abuse within elementary school

Mr. Dixon: Over the past number of days, the Deputy Premier has continuously refused to answer any questions about the events surrounding the incidents at Hidden Valley school. The Deputy Premier has continued to hide behind the current minister who, by her own admission, knew nothing about what was going on in the department. However, yesterday, she did finally speak to media about this, so we would like to clarify some of the comments that she made to media.

When asked if the Deputy Premier was aware of the Hidden Valley file, as the media referred to it, she responded — and I quote: Absolutely. Absolutely.

So, Mr. Speaker, can she confirm that what she told media was correct? Did she know absolutely what was going on in the department in relation to this issue while she was minister, and if so, when did she become aware?

Hon. Ms. McLean: I welcome the opportunity to once again rise in this Legislative Assembly to speak to this very important and difficult matter that has impacted many Yukoners, particularly children and families at Hidden Valley and the school community.

As I have stated repeatedly in the House, I have launched an independent review of the Government of Yukon's response to the situation in Hidden Valley school, and I have repeatedly told this House that the steps that we are taking right now are very important to address the situation. This independent review will help to provide answers to these questions that have been posed in the House. There will be a fact-finding — and part of the report will include recommendations to the Government of Yukon around areas where we will need to address policies and procedures. It will include a broad and comprehensive review of established government policies and procedures around operations, reporting, and communications to address serious incidents in Yukon schools. It will certainly be looking at all of these matters, and the questions will be answered through this review.

Mr. Dixon: Mr. Speaker, it is extremely disconcerting that the Deputy Premier will speak to the media about these issues outside of the Legislature but refuses to answer direct questions given directly to her in the Legislature.

Yesterday, the Deputy Premier refused to say anything about this in the Legislature and continues to today, but after Question Period, she did tell media that she can't answer any of our questions because she claims that her actions are now under investigation or are evidence before the courts. I would remind the Minister of Justice that several of our questions were about why she didn't brief either the current minister or her colleagues about the situation, even after the assailant had pled guilty.

So, can the Deputy Premier clarify that what she said to the media was true? Is the timing and the reason for her not briefing the current minister something that is currently under police investigation or evidence that is before the courts?

Hon. Ms. McLean: I will absolutely confirm that there are matters that are currently before the courts. I think that this is very important — that we recognize that as we go forward.

There are a number of reviews underway. There is an independent review, which I've spoken about already today. The Child and Youth Advocate has a review underway, and, of course, the RCMP are reviewing their actions around the investigations that happened in 2019. Again, we're cooperating completely with these reviews and ensuring that all of the answers to all of the questions that have been posed will be answered through these reviews. I have been very clear about transparency with these reviews and targeting for our independent review to be completed by — targeting January 31. This will be released to, of course, the families and the school community of Hidden Valley and to Yukoners.

I look forward to further questions.

Mr. Dixon: I will note again that it is extremely disconcerting to all Yukoners that the minister refuses to answer questions in the Legislature and instead continues to hide behind the current minister.

Yesterday, the Minister of Justice was asked by local media if she personally saw the 2019 draft letter to parents outlining the situation with an educational assistant at Hidden Valley. Now, we should recall that the 2019 draft letter has been uncovered already by ATIPP, so it's public knowledge. Yet the

minister responded that she couldn't answer that because it was evidence that could adversely affect — and I quote: "... criminal cases that are before the courts".

It is really starting to sound like the Minister of Justice is suggesting that her own actions are part of an active court case. Can the minister confirm that what the Minister of Justice told the media yesterday was true? Is the knowledge of whether or not the minister saw the 2019 letter something that is now evidence before the courts?

Hon. Ms. McPhee: I will be happy to clarify the misinformation that is being brought forward by the Leader of the Official Opposition, in respect to these questions, in a very careful, important, and respectful way.

First of all, let me go to the question that I was asked regarding whether or not I was aware of the situation. The question was: Was I aware of the situation in 2019? So, if the member opposite is going to bring questions, I would hope that he would bring the whole question. My answer was that, absolutely, I was aware of the situation back in 2019, as I should have been.

With respect to the other questions that are being posed, what I told the media, Mr. Speaker, was that all of the questions, virtually, that are being asked by the members opposite — the responses to those questions would alleviate evidence that will be dealt with in the court system, and I am being extremely careful with respect to protecting the integrity of the current investigations and the current court cases that are before the courts. There are two criminal cases still before the courts, and there are two civil cases in which the Government of Yukon is a respondent. Clearly, it is important to protect that information for those processes.

Question re: Sexual abuse within elementary school

Mr. Cathers: Yesterday, the Deputy Premier talked to media and spoke about families that had been affected by the events at Hidden Valley and criticized the Yukon Party and the NDP for continuing to ask questions about this issue.

In speaking about the affected families, she said — and I quote: "... they want to get on with it."

She went on to admit to media that she hadn't even spoken to or reached out to any affected families.

Why did the Deputy Premier put words in the mouths of the families when she admits that she, in fact, hasn't spoken to a single one of them?

Hon. Ms. McPhee: Mr. Speaker, again, this is a perfect example of why this matter and the details that are incredibly important and respectful — and need to be respected — and the integrity of those investigations and the matters currently before the courts need to be respected. I appreciate the members opposite being interested in knowing details of what occurred, but that is the actual basis of these cases and the evidence that will be called in those cases. As a result, I have told the media — I'm now telling the Legislative Assembly here — that we are being extremely careful about the information.

The reviews that my colleague has initiated will uncover that information, as will the court cases as they go forward.

I indicated to the media, as well, that I had not been contacted by any families to meet with them but that I would be happy to do so, that I was 100 percent supporting my colleague, the new Minister of Education, in respect to the way in which she has decided to proceed with this matter — that I was supportive of that and that I would stand alongside her with respect to any of the questions that families might have, assuming that we are not breaching the integrity of those court cases.

Mr. Cathers: The Deputy Premier knows full well that we are being very careful to avoid asking about matters that are before the court.

Speaking to media yesterday, the Deputy Premier said that those affected by the events at Hidden Valley — and I quote: “... want to get on with it.” She then criticized the Yukon Party and the NDP for continuing to ask questions about this. She said that there are plenty of more important issues for us to ask about.

Mr. Speaker, that is not what we are hearing from families or from Yukoners in general who want answers. They want to know what the Deputy Premier knew, when she knew it, and why she didn’t ensure that parents were notified when this happened.

So, instead of trying to put words into the mouths of those families, will the Deputy Premier just tell us when she first found out and what she did when she found out about this serious matter?

Hon. Ms. McLean: Thank you, Mr. Speaker. As I have stated repeatedly in the House, I have launched an independent review of the Government of Yukon’s response to the situation in 2019. There will be a complete fact-finding and very thorough report as a result of this. Amanda Rogers is the investigator in this matter. I have tabled terms of reference for this review. Again, you will see in number 4 that there will be a finding of fact related to the response of the Department of Health and Social Services, the Department of Education, and the Department of Justice in the incidents from 2019 in the Hidden Valley school situation and recommendations for improving government-wide policies and procedures to better support Yukon school communities.

I met with families in a closed meeting on September 22 and started a very personal and in-depth conversation with them. I made this commitment to them at that time, and I know that the families are struggling and that the school community is as well. This has cast a shadow over the Hidden Valley school, and I think that this is really important to note — that this is impacting that school overall.

Mr. Cathers: Well, Mr. Speaker, Yukoners expect better of the Deputy Premier than for her to repeatedly hide behind her colleague or hide behind flimsy excuses not to answer questions. Yesterday, the Deputy Premier told media that the families affected by events at Hidden Valley school just “... want to get on with it.” Unlike the Deputy Premier, I had actually spoken to parents and reached out to them. Parents, as well as other Yukoners who have contacted us about this, have told us that they want to hear from the minister who was responsible at the time. They have told us that they want

accountability and that they want answers from her. They want to hear from the person who was ultimately accountable for the actions of both the Department of Justice and the Department of Education at the time, which is the Deputy Premier.

So, why did the Deputy Premier not notify parents about what happened at Hidden Valley school? Just answer the question.

Hon. Mr. Silver: Thank you very much, Mr. Speaker. Mr. Speaker, it is amazing that the opposition are making comments because I am standing up to address this issue. Listen: This is a devastating situation for everybody involved and it is not funny, so people on the other side shouldn’t be laughing about it.

My ministers have acknowledged that mistakes have been made, that there was a breakdown in trust between the department, between the families, the school. They have apologized in writing to the parents and to the school community. We’ve heard the minister today speak about how she will meet with family members, yet we still hear the opposition say that she is hiding. She is not; she is answering questions here today.

We have taken steps to get to the bottom of this situation and to see what happened and to ensure that, moving forward, we can do better as a government, as a school, as a community. We are absolutely committed to rebuilding that relationship, that strength, and that trust that is so vital when our children, our students, are in the education system. That is extremely important, and I can’t think of two more qualified individuals than these two ministers to get to the bottom of these things and to move forward for our kids.

Question re: Sexual abuse within elementary school

Ms. White: So, a lot has been asked about what happened around Hidden Valley school. Questions have been asked every day, but very little has been shared in this House. Yesterday, the former Minister of Education admitted to the media that, absolutely, she knew about the situation at Hidden Valley Elementary School. So now we know that at least one Cabinet minister knew back in 2019, but what about the Premier, who, until very recently, just now, remained silent on this issue? Will the Premier inform this House if he himself was informed of the sexual assault at Hidden Valley Elementary School prior to the media coverage this July?

Hon. Mr. Silver: Mr. Speaker, the Minister of Education has launched an independent review of the government’s response to the incident as well as the internal policies and protocols to respond to incidents of this kind. This review will involve the parents and the guardians, as well as partner agencies and organizations, with the goal of understanding what occurred and making improvements that ensure that our education system is protected — and students — and supporting the school communities. This is a commitment that the Minister of Education has made directly to the parents of Hidden Valley Elementary School.

There are two independent reviews going forward. We are very careful to make sure that we don’t impede that work or

what is going forward in the courts, and we are making sure that we get to the bottom of this.

All questions asked by those independent offices, by the independent reviews, will be answered in due time — absolutely.

Ms. White: That was an awful lot of words, but what I was really looking for was a yes or no. Did the Premier know?

Yesterday, the current Minister of Education assured Yukoners that changes are being implemented to ensure the safety of all students in Yukon schools. Interestingly enough, the same day, I also received e-mails from parents with pictures of what is apparently not happening in Yukon schools. Rooms with low visibility are still being left unlocked or improperly secured. Those are easy fixes, like windows in classroom doors or locking the doors of non-teaching spaces. Hidden Valley school should be a top priority for such changes.

Why is the minister assuring this House that changes are being made when I just have to open my e-mail to see evidence to the contrary?

Hon. Ms. McLean: Thank you very much for bringing forward that information. I would very much like to see that communication and to follow up directly on this. I have been assured that changes have been made, particularly protocols to increase safety for students and reinforce accountability. This includes no alone zones to ensure that staff are not alone with students. They have ensured that additional supports are available, of course, to schools, including on-site social workers and coordination supports, providing health and wellness resources, and a number of other supports that have been put in place — working on some new initiatives, particularly at the Hidden Valley Elementary School, which I will elaborate on if I have the chance.

As I stated at the beginning of this response, I would very much like to see the correspondence, and I would like to follow up on that personally.

Ms. White: It is my understanding that the minister was sent the same photos that I received, but I will be happy to pass them on.

We heard from the minister that all types of supports and changes have been made at Hidden Valley to support the students there. Parents are sharing with us the delays and absences of these supports that the minister is boasting about. Sexual health classes are being delayed or even postponed. The on-site social worker at the school that coordinates support — highlighted again and again by the minister — is nowhere to be found by parents.

Can the minister explain why we hear one version of supports in this House and another one by the parents at Hidden Valley?

Hon. Ms. McLean: Again, I have met personally with the families of Hidden Valley in a closed meeting, but I've also met and spoken with parents from Hidden Valley directly — received correspondence. We have replied. I have gone over some of the supports that have been put in place. I am very interested in following up on the correspondence that has been brought to the floor of the House today. I am not aware of exactly what the member opposite is referring to, but I will

endeavour to look into this myself, personally. I will bring that information back, and I will follow up with that family member or other family members, as required.

As I have said over and over, the safety and well-being of our children and the protection of them in our schools are of utmost importance. It's paramount within our education system. As we focus on moving forward, these supports are vitally important, and I will follow up on the matters that have been brought forward by the Leader of the Third Party today.

Question re: Sexual abuse within elementary school

Mr. Cathers: Mr. Speaker, yesterday the Deputy Premier finally broke her silence about the Hidden Valley school issue. She spoke to local media but went to great lengths to blame everything on the RCMP. She said that the errors that were made were made by the RCMP alone. She said — and I quote: This was not on Education.

What the minister forgets is that there was another party sitting beside the RCMP at that press conference, the Deputy Minister of Education, who admitted the department was at fault as well.

The current Minister of Education has also told us over and over that mistakes were made by the department. Why did the Deputy Premier blame only the RCMP and gloss over the fact that her colleague, the minister, as well as the deputy minister have admitted openly that the department also made massive mistakes?

Hon. Ms. McLean: I'm again happy to stand as the Minister of Education. I'm leading the department now and taking action to rebuild the trust and restore the 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.

I do want to again point out that as soon as the education officials learned of the allegations in 2019, the individual was removed from the school and has not worked with students since that time.

The Hidden Valley school administration changed their protocols to increase the safety of students and reinforce accountability. Of course, I have also heard today some concerns around that, which I will follow up on personally. We informed the RCMP, and we expect them to undertake a complete and thorough investigation. That has been referred to a number of times over the last several days and in a recent press conference. The RCMP are doing a review of their investigation, and we have an independent review that will get to the bottom of a lot of the questions.

Mr. Cathers: Mr. Speaker, it was not lost on anyone that the Deputy Premier didn't have the decency to attend the press conference where the Deputy Minister of Education admitted that the government made mistakes and apologized. She should have apologized herself. Now the Deputy Premier has tried to throw all the blame on the RCMP, saying yesterday to media — and I quote: This was not on Education.

The principle of ministerial accountability holds that the minister is ultimately accountable for the actions of their department, and they are certainly responsible for their personal actions. We know that the minister was briefed on this issue in 2019 and made the decision not to inform parents. That decision meant that the victims went without justice for well over a year.

Will the Deputy Premier admit that serious mistakes were made by the Department of Education when she was the Minister of Education?

Hon. Ms. McPhee: Mr. Speaker, again, it is important to rise so that Yukoners can understand the misinformation being put forward by the members opposite.

When I indicated that the quote — that this was not on Education — I was quoting what the chief superintendent of the RCMP here in the Yukon had said, so it shouldn't be my quote. It was, in fact, the chief superintendent's quote. Nonetheless, I think it is incredibly important that we reiterate that there is nothing more important than the well-being, the safety, and the protection of our students when they are in our care.

If the RCMP had completed a full and comprehensive investigation, as they have indicated, we would not be here in this situation.

When the matter came to our attention, as my colleague has said so many times, in 2019, we immediately referred the matter to the RCMP. We were respecting the RCMP process and confident that a comprehensive investigation would involve contacting additional students and parents and seeking any other victims. They are reviewing this process independently as well as the reviews that have been announced by my colleague.

Mr. Cathers: Repeatedly over the last several days, the Deputy Premier has tried to hide behind the Minister of Education and let the current minister answer for the actions that occurred on her watch when she was Minister of Education. Yesterday, she told local media that she is not responsible and denied accountability for what happened under her watch, saying — and I quote: This was not on Education.

Mr. Speaker, we know that this was indeed on Education. More specifically, the Department of Education failed families when the Deputy Premier was the Minister of Education. It's time for the Deputy Premier to start showing some accountability.

Will she stop hiding behind the current minister and the RCMP and acknowledge her own role in this scandal?

Hon. Ms. McPhee: I think it suffices to say that I did not say that yesterday. I am completely being misquoted by the member opposite, but that's not the important part of the answer to this question — the opportunity to stand and say to the families and to the children that they are our top priority, that the reviews that will be done are designed to get the answers that are necessary for those families so that their questions will be answered. I indicated that the RCMP made that quote.

The other piece that I should note is — I am not sure the member opposite will have read this, although that would

surprise me — the written apology that my colleague and I sent out to the school community at Hidden Valley, because that is who we should be and need to be speaking to. We clearly indicated in that written communication to them the concerns that we had about what had occurred, that we would work with them going forward, and that we were respectful of the court cases that are before the courts and yet understood the need for them to have supports going forward. We committed to those.

Question re: Sexual abuse within elementary school

Mr. Kent: Earlier this week, the Minister of Education outlined some of the supports that have been put in place for families and staff at Hidden Valley Elementary School.

She said — and I quote: "Supports have been available to families and staff, including on-site support, coordinating via a school community consultant through a trained social worker." However, like the Leader of the NDP indicated earlier today, we have also heard from some parents who have indicated that the minister is incorrect on those facts and that they have had trouble accessing supports.

Can the minister confirm what supports are available on-site at the school, and what additional resources has the department provided to Hidden Valley Elementary School?

Hon. Ms. McLean: Thank you for the question. I have heard some concerns today, raised by the Leader of the Third Party. I will follow up on those. I will follow up to ensure that the supports that I have talked about in the Legislative Assembly are happening in the way that they should be. The school community is very dynamic. All children and families are unique in how they react to various experiences, and we listen to the concerns to respond in an appropriate manner with the best direct supports to address the concerns. Supports have been available to families and staff, including on-site support coordinated via the school community consultant, who is a trained social worker.

I am going to follow up on the attendance of this individual in the school. I made that commitment today and I will do that personally. Referrals to other supports and services are being facilitated as needed, such as through Family and Children's Services, Mental Wellness and Substance Use Services, and Victim Services. I know that Project Lynx has been very involved in this matter — and will continue to do so.

Mr. Kent: So, we have also heard that a number of staff at the school are seeking additional support and counselling. However, we note that the shortage of teachers on call has placed a significant burden on the ability of teachers to take time away from school to seek support. So, we're curious if the minister has asked the department to prioritize Hidden Valley school for teacher-on-call support to ensure that school staff can get the coverage they need in order to access counselling and other supports.

Hon. Ms. McLean: What we know for sure — and I have met with many of the school councils and with the administration — is that we have had some difficulties around teachers on call. Our numbers are up in the range where they should be at around this time of year.

As of October 12, 2021, we have 168 registered now with another 33 applications pending. Most of these positions are in Whitehorse. Some are in the rural communities. We know that there have been some issues around the teachers on call responding to the calls that schools are making to them. This is a very, very big part of not only the supports that are needed at Hidden Valley to ensure that they have the correct supports, but it's also a major factor in how we manage the impacts of COVID-19 as folks need to be away from schools for either illness or to care for children or other matters that may take them away from the school setting.

I'll continue to build on this if we continue down this path.

Mr. Kent: So, what we're hoping is that the minister will prioritize Hidden Valley school for those teacher-on-call supports to ensure that school staff can get the coverage that they need in order to seek the support that they are looking for.

Finally here today, Mr. Speaker, we're aware that there are numerous students at Hidden Valley in need of additional specialty teaching supports such as learning assistance teachers, educational assistants, and reading supports.

So, I'm curious if the number of support staff at Hidden Valley Elementary School has been increased since July when this story first broke. Will the minister be prioritizing the requests from Hidden Valley school for the additional support staff?

Hon. Ms. McLean: I have spoken about a number of the other supports that are in place. We know that there are special needs at Hidden Valley, and we're responding to them directly. We are working on a special initiative right now around a particular group within Hidden Valley, and I will be happy to bring that information forward to the House at a later time and bring a bit more detail around that. We're really excited about that.

Of course, Hidden Valley is a high priority for the Department of Education, as are all of the schools, but we know that Hidden Valley, as I've stated a number of times, is under a lot of pressure. They are trying to move forward with their school year. They are trying to move forward into a place of some normalcy, and we know that having their school in the spotlight has created a lot of challenges for them in doing so. We are absolutely prioritizing Hidden Valley, and I have spent a lot of time myself meeting with families and the administration.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 5: *Act to Amend the Territorial Lands (Yukon) Act (2021)* — Second Reading

Clerk: Second reading, Bill No. 5, standing in the name of the Hon. Mr. Streicker.

Hon. Mr. Streicker: Mr. Speaker, I move that Bill No. 5, entitled *Act to Amend the Territorial Lands (Yukon) Act (2021)*, be now read a second time.

Speaker: It has been moved by the Minister of Energy, Mines and Resources that Bill No. 5, entitled *Act to Amend the Territorial Lands (Yukon) Act (2021)*, be now read a second time.

Hon. Mr. Streicker: Mr. Speaker, I am happy to stand today to introduce Bill No. 5, *Act to Amend the Territorial Lands (Yukon) Act (2021)*, for the Legislature's consideration.

The *Territorial Lands (Yukon) Act* allows for the administration and management of territorial land by the Government of Yukon. This includes the management of many types of land use. It is key for the Government of Yukon to ensure that this legislation can effectively support new and changing regulatory requirements.

The proposed new resource roads regulation is currently under development. It has been recognized over the course of its development that consequential amendments to the *Territorial Lands (Yukon) Act* would be required, as the act currently does not allow for an effective management regime for the planned resource roads regulation, which leads us to the proposed amendments before us today.

The amendments to the *Territorial Lands (Yukon) Act* focus on providing authority for the proposed resource roads regulation to be enacted and administered and therefore allow us to better regulate a key component of the Yukon's resource sector. At its core, this act supports both environmental and responsible resources.

The amendments to the act provide the Commissioner in Executive Council with a broad range of regulation-making powers respecting resource roads.

These are: authority for permitting; authority for standards policies, guidelines, and the like to address such issues as road design; ability to designate responsibility and maintenance of resource roads; authority to enable an existing road to be brought under the resource road regime and the ability to designate roads other than highways as resource roads; authority to request security for reclamation, remediation, or maintenance of lands that may be affected by the construction or use of a resource road; authority to require user agreements between primary and secondary applicants and resource road permittees to facilitate the use of the road by multiple users; authority for the minister to give rights to resource road users or to impose terms and conditions on permittees; provision of a statutory right to permit holders to enforce any rights held or obligations owed to them that are conferred or imposed by the minister; authority for the indirect collection of information to meet requirements under the *Access to Information and Protection of Privacy Act*; enforcement provisions related to contravention of the planned resource roads regulation or permit issued under that regulation; and finally, expansion of the regulation-making power to include ancillary uses associated with the construction, use, maintenance, decommissioning, remediation, or mitigation for resource roads along with reclamation and remediation of territorial lands affected.

Without these amendments to the *Territorial Lands (Yukon) Act*, the resource road regulation would not be

effective. Thus, these amendments are all about making sure we can develop resource roads responsibly and safely.

While we do have the current land use regulation under the act, it originated in the early 1970s and its scope is limited to the construction phase of a resource road. It is based on a short-term land use permit system that is limited to a three-year maximum. It lacks the modern land management tools required to responsibly regulate resource roads through their lifespan from construction through closure and decommissioning. A new regulation focused on resource roads will address gaps in the current regulatory regime and the spectrum of issues related to the establishment and use of resource roads in the Yukon.

The departments of Energy, Mines and Resources and Highways and Public Works have also discussed potential requirements for closing unmaintained resource roads that are no longer used for their intended purposes. The regulation would also allow for these types of roads to be designated as resource roads under the responsibility of Energy, Mines and Resources in an effort to reduce spider webbing and thereby further disturbance to the environment. We anticipate that the new resource roads regulation will be ready next spring.

Mr. Speaker, the amendments to the *Territorial Lands (Yukon) Act* are specific and targeted to meet an important and immediate need. The Yukon's mining and resource sectors often require new or upgraded access for development. We also need to undertake actions that will assist in maintaining the integrity of Yukon's environment. If we are to ensure responsible development of our resource economy in a sustainable and environmentally sensitive way, these amendments and the regulations that follow will provide more clarity to companies and more tools for regulators to permit, manage, and ensure reclamation.

Mr. Kent: Mr. Speaker, I thank the minister for his second reading address here today. I also wanted to thank his officials for the briefing that they provided to us earlier in the Sitting — I believe that it was last week, in fact — with respect to the *Act to Amend the Territorial Lands (Yukon) Act (2021)*.

The Official Opposition will be supporting this bill at second reading. I have done some limited outreach to stakeholders with respect to this bill. It is my understanding that these consequential amendments to the act are required to enable the proposed resource roads regulation and to provide for a comprehensive regulatory framework where resource road construction, use, maintenance, access, closure, and decommissioning can be managed. Again, while there are a number of amendments here, they are essentially enabling amendments for the development of the regulation.

With respect to the timing of this, looking back through the “what we heard” documents — obviously, this goes back to the resource road framework in 2014 — moving forward to 2018 when consultation was undertaken, the bill — an almost identical bill to what we have here — I believe there was one slight change to what was tabled in March of this year, but then, of course, it died on the Order Paper with the decision by the Premier to go to an early election call. Then, of course, here we

are in the Fall Sitting 2021, where this bill is now before the House.

When we look at the development of the regulation and when we get into Committee, I will have some questions for the minister around the public engagement on the actual regulation and what that is going to look like. My understanding from his officials is that they are looking at having that regulation approved by next spring.

Obviously, there are First Nations, industry, and other stakeholders that will have to be consulted, but I am hoping that this minister also finds a way to reach out to parties in the House, whether it's through the Standing Committee on Statutory Instruments or some other measure, to consult on this regulation before it is put in place so that, when we are talking to constituents or industry representatives, we have a good understanding of what exactly has been done. As we know, regulations, unlike legislation, do not have to come to the floor of this Legislature for any debate, so I am hopeful that this minister will recognize the situation and the number of seats for each party in this House and find a way to work with us prior to this regulation being put in place.

That said, Mr. Speaker, I will have some additional questions in Committee of the Whole regarding some of the responses in the “what we heard” document and how that will be reflected and also some specific questions around security in the bill that have been flagged for me by some industry representatives. I thank the minister for his second reading speech here today. As I said, the Official Opposition will be supportive of this bill at second reading, and we look forward to getting into Committee of the Whole perhaps as early as later today.

Ms. White: Mr. Speaker, today I am speaking to Bill No. 5, *Act to Amend the Territorial Lands (Yukon) Act (2021)*. It is hard not to echo the comments of my colleagues when I am third in row, but I think it is really important to note that one of the outcome goals of this is to make sure that roads that are being purpose built for resource extraction are not then just being used for folks to access hinterland. It was something that was brought forward by both First Nations and environmental NGOs as concerns that these roads — if they were unpeopled — that other folks could use them. It is interesting to see how the department has gone about that to make these actually not part of the designated public highways but as very specific private roads so that they can be barred from access, that people can be checked for ID or permission to be there.

I think it's really important to know that the ability to limit use is something that has been highlighted as a concern before when we've talked about resource roads, so this is one way to address that.

Another thing, while going through it, and definitely from the briefing with the officials, was the security requirements. I think one of the things that, from my perspective, was the most impressive when we are talking about security is that security is being talked about for not just during the construction aspect but to make sure that it can be remediated so that it can go back to its pre-industrial use. I think that is really important.

I will also have questions when we are in Committee of the Whole when the minister has access to his officials, and I look forward to those conversations.

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

Does any other member wish to be heard?

Hon. Mr. Streicker: Mr. Speaker, I would like to thank the members opposite for their sets of comments. I too look forward to Committee of the Whole when we can dive in a bit and answer questions with officials here. I just thank them for their comments. I made some notes, and I look forward to further discussion at Committee of the Whole.

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.

Ms. White: Agree.

Ms. Blake: Agree.

Ms. Tredger: Agree.

Clerk: Mr. Speaker, the results are 17 yea, nil nay.

Speaker: The yeas have it. I declare the motion carried.
Motion for second reading of Bill No. 5 agreed to

Bill No. 7: Act to Amend Family Property and Support Act (2021) — Second Reading

Clerk: Second reading, Bill No. 7, standing in the name of the Hon. Ms. McPhee.

Hon. Ms. McPhee: Mr. Speaker, I move that Bill No. 7, entitled *Act to Amend Family Property and Support Act (2021)*, be now read a second time.

Speaker: It has been moved by the Minister of Justice that Bill No. 7, entitled *Act to Amend Family Property and Support Act (2021)*, be now read a second time.

Hon. Ms. McPhee: Mr. Speaker, I am pleased to bring forward the *Act to Amend Family Property and Support Act (2021)* for second reading today.

Our government is committed to modernizing Yukon's legislation to better represent the realities of today's society and to respond to the needs of modern Yukoners. I am delighted that today we are honouring commitment to Yukoners through updates to the family property and support legislation. I just want to spend a bit of time to outline and introduce the key provision of the proposed amendment to the *Family Property and Support Act*. It is quite specific.

The *Family Property and Support Act*, in its current form, does not reflect the best practices or similar legislation across Canada. As is currently legislated, section 37 of the act states that an application for spousal support by a common-law spouse must be made within three months of the date of separation. This short time limit places recently separated common-law spouses in a compromising position, because they must either apply for support before their relationship has clearly and permanently ended or allow their claim to lapse before it is clear that reconciliation is no longer possible. There is no time limit for married spouses to apply for spousal support.

In its current form, section 37 of the *Family Property and Support Act* does not provide a reasonable time for a common-law spouse to apply for spousal support and places common-law spouses in an unequal position compared to married spouses. Common-law spouses are disadvantaged under the current law. The proposed amendment will allow greater access to spousal support for former common-law spouses by removing the time limit for spousal support applications. Removing the time limit for common-law spouses will ensure that former common-law spouses will not be disadvantaged in comparison with married spouses by short time limits to apply for spousal support. The amendment will also make the Yukon's legislation similar to other Canadian jurisdictions which do not set a time limit for common-law spousal support applications — specifically, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, and Nova Scotia.

To clarify, the amendment will only apply to common-law relationships that end after it has come into force. In this way, people who have separated before the amendment takes effect will not have their rights or obligations changed by this amendment. Our government is confident that, through this amendment to the act, we can ensure that common-law spouses who separate have adequate time to apply for spousal support if their situation is such that they want to do so.

Furthermore, this amendment ensures that common-law spouses are treated fairly and equitably in comparison with married spouses. The proposed amendment will more fully represent and protect the interests of Yukon's diverse population. The bill before us today is vital to ensuring that Yukon keeps up with the best practices across Canada and, through that, serves Yukoners.

Our government is proud to bring forward this updated legislation to better reflect today's Yukon.

Mr. Cathers: The provision in the current act that is being replaced is clearly a timeline that is unreasonably short to put in place for common-law spouses. With that, we don't have any concerns with the provision, and I have not heard any concerns so far from Yukoners about the proposals, so we will be supporting this at least at the second reading stage.

Ms. Blake: In my previous role, I have seen how this deadline has negatively impacted partners who are grieving. It made the grieving process so much more complicated than it needed to be, and I am glad that this barrier won't exist anymore. I am also glad that this amendment has been made to put common-law partners on equal footing with couples who are married. I want to get clarification that, when referring to common-law partners, this legislation covers Yukoners who are in same-sex relationships.

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

Does any other member wish to be heard?

Hon. Ms. McPhee: Thank you very much, Mr. Speaker, and I thank my colleagues in the opposition parties for their comments with respect to this piece of legislation. I know that there are a number of questions, and I know that we will be able to answer those in the Committee of the Whole, so I look forward to that process.

This seems like a small amendment. It will affect a lot of people. I know that it is a positive move, and I am proud to finally be bringing it before the Legislative Assembly to fix this inequity.

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.

Ms. White: Agree.

Ms. Blake: Agree.

Ms. Tredger: Agree.

Clerk: Mr. Speaker, the results are 17 yea, nil nay.

Speaker: The yeas have it. I declare the motion carried.
Motion for second reading of Bill No. 7 agreed to

Ms. White: I request the unanimous consent of the House to move, without notice and notwithstanding Standing Order 12(2), a motion that the terms of reference for the Special Committee on Electoral Reform, as established by Motion No. 61 of the First Session of the 35th Legislative Assembly, be amended by changing the special committee's reporting deadline to the House from March 31, 2022 to the 2022 Fall Sitting of the Legislative Assembly.

Unanimous consent to move without notice a motion to extend the Special Committee on Electoral Reform's reporting deadline

Speaker: The Leader of the Third Party has requested unanimous consent of the House to move, without notice and notwithstanding Standing Order 12(2), a motion that the terms of reference for the Special Committee on Electoral Reform, as established by Motion No. 61 of the First Session of the 35th Legislative Assembly, be amended by changing the special committee's reporting deadline to the House from March 31, 2022 to the 2022 Fall Sitting of the Legislative Assembly.

Is there unanimous consent?

Some Hon. Members: Agreed.

Some Hon. Members: Disagreed.

Speaker: Unanimous consent has not been granted.

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. Blake): The matter before the Committee is general debate on Bill No. 5, entitled *Act to Amend the Territorial Lands (Yukon) Act (2021)*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 5: Act to Amend the Territorial Lands (Yukon) Act (2021)

Chair: The matter before the Committee is general debate on Bill No. 5, entitled *Act to Amend the Territorial Lands (Yukon) Act (2021)*.

Is there any general debate?

Hon. Mr. Streicker: Thanks, Madam Chair. I would just like to begin by welcoming our officials. We have with us today Deputy Minister John Bailey. We also have with us, and I think this is his first time in the Legislature, Mr. Mike Draper, who is the sustainable resources legislation advisor and negotiator.

We just had second reading on this a short while ago here in the Legislature, so I won't give any more introductory remarks. I am looking forward to questions and am happy to answer them here during Committee of the Whole.

Mr. Kent: Thank you very much, Madam Chair. I thank the minister for his second reading speech earlier today and also take the time to welcome the officials, Mr. Draper and Mr. Bailey, today. I thank them for their briefing that they provided us last week on this bill.

I have a few questions in general debate around the bill. The first one, if the minister has the documents with him that were provided to us at the briefing — it's the fourth bullet down and it mentions that public engagement on the proposed resource roads regulation was completed in 2018. First Nation consultation remains ongoing at this time with plans to consult on the draft regulation if approved.

So, officials told us that they anticipated that approval, I believe, happening next spring. Perhaps the minister can clarify for us if they are expecting the regulation to be in place next spring and if there will be further consultation with, not only First Nations as mentioned, but additional stakeholders, industry groups, and the public at large.

Hon. Mr. Streicker: To begin with, let me confirm that our goal is to have the regulation in place next spring, so I can confirm that.

I think that the dialogue with both First Nations and the industry has been ongoing. What I understand is that there are monthly meetings with industry — two tables. I think that one is with Klondike Placer Miners' Association and one is with the Whitehorse chamber. I think, as well, that Mr. Draper also attends some of their regularly scheduled meetings.

With respect to First Nations, we have a table set up through the Yukon Forum on resources, and there is a specific group that is looking at this as it moves forward. I will also note that, out of the work that was done up until 2018, this was when we understood that we would need these amendments to the act itself in order to enable the regulations — sort of in the fullness that has been discussed — and so this is just a step toward this, and the engagement has been ongoing.

Mr. Kent: The minister mentioned First Nation engagement and industry engagement. He has mentioned the Klondike Placer Miners' Association, and I think that he said the Whitehorse chamber, but I am sure that he meant the Yukon Chamber of Mines, but he can correct the record on that.

Does that mean that, with the work done in 2018 where the engagement process saw 183 surveys completed, 50 pages of comments received through the survey, 14 response letters, 10 First Nations, 25 organizations, and 15 meetings requested — I guess, of the members of the public who provided comment during that time — is that engagement closed? So, will this be

focused on First Nations and then the industry tables that the minister mentioned?

Hon. Mr. Streicker: Thanks, Madam Chair, and apologies — I did mean Yukon Chamber of Mines. I just happened to attend the Whitehorse Chamber of Commerce mayoral debate yesterday, and I just mixed up the two.

The Member for Copperbelt South was referencing from the “what we heard” document on the 2018 engagement, and out of that consultation, we had a lot of feedback. One of the pieces of feedback was to ask that, as the regulations got into their final stages of development, we stay engaging with industry and, of course, First Nations. So that is what we are doing now — working, as requested, with industry and with First Nations.

I think that we haven't thought that this would require a broader engagement again.

I heard the member opposite during his comments talking about an interest in having some engagement with the opposition parties. I have just made a note for myself and will have a conversation with colleagues and with the department to discuss that. But this engagement that we are talking about, on a go-forward basis, is really around how the regulations are finalized before they go to Cabinet, and that was as requested during the earlier 2018 full public consultation.

Mr. Kent: Thank you very much, Madam Chair, and I thank the minister for mentioning those remarks that I made during the second reading speech, because I was going to ask him if there was a way that he would be able to engage the opposition prior to this regulation being finalized. We often find out about regulations when they are signed off — when the OICs are signed off. These amendments that we are considering here today are enabling amendments of the development of the regulation. We would have an interest, I think, in seeing exactly what the regulation looks like and whether, as I mentioned during second reading, it is through the Standing Committee on Statutory Instruments or some other form of consultation, we — in the Official Opposition and, I am sure, the Third Party as well — would appreciate being engaged and involved before this regulation is finalized.

I'll turn the minister's attention now to the “what we heard” document that was published in November 2018. I have a few questions with respect to some of the questions asked and then the results.

Under the first heading, “Resource Roads vs. Public Roads”, the second question asked there was: “Allow for the transfer of an existing road (under the *Highways Act*) to a resource road under the Resource Roads Regulation when required.” The disagreement on that was 57 percent. The summary was: “This proposal has a high level of opposition. A majority of respondents do not support transferring an existing public road to a non-public resource road.” How was that accommodated or how will that be accommodated in the regulation when it's ready?

Hon. Mr. Streicker: First of all, what is happening here in the act that we have in front of us is enablement, so it would allow for this to be possible. The flags that were raised were really that, once people have established that roads provide

them access to places that they are interested in, there is an interest in maintaining that access. I think that this is understood. It's one of the really strange things — and I have commented on this with my deputy minister. When we are talking in communities, sometimes what people want most are the roads and what they want least are the roads. It just sort of depends on what the road is being used for and who it is who wants to travel on the road.

The way that we imagine it is that this legislation would enable this and the regulations would enable this possibility, but before we were ever to do such a thing — say there was a road. I don't know — let's say that a community came to us and said, "You know what? This road is a problem and we need to decommission this road." We would then go through a full public consultation process if it were a public road. That would include talking with the community. It would include talking to the users of the road to discuss what would happen.

What we heard was that there was concern, and what we have done is to say that the way in which we would get to this would be through public consultation, but we believe that it is important to enable this. One of the things worth noting — and my colleague, the Minister of Highways and Public Works, probably knows this. But I sat down with counterparts from Saskatchewan one time, and they were talking to me about Saskatchewan and how much road there is in Saskatchewan. It turns out that it has the most road per capita of all of the provinces and territories. What they let me know is that the Yukon has the second highest amount of road per capita. So, for the population here, we have got quite a bit of road. I can imagine that, somewhere in the future, we might decide to say, no — let's say, as we get through land use planning and we take some decisions, it is entirely possible. I think that it would be an extremely exceptional circumstance where this would happen, but given that we are here working on the legislation, we thought it best to put in an enabling piece, and the safety valve that we are putting in is that we would have a full public engagement, were we to consider that.

Mr. Kent: I hope then, from that, that the minister appreciates the interest from the opposition parties in engaging on the development of this regulation before it is finalized, given that the legislation will enable this to be done, but if practice were to go on as it has gone on over the past number of years and number of governments, then there wouldn't be an opportunity for us to provide those checks and balances to what was discussed three years ago in a consultation.

So, I am just going to ask another question. The answer may be similar, and it is with respect to controlling access. It is that first point again — it has a high level of opposition. It says: "Access to resource road use will be limited to permitted users only and these permits will set out terms and conditions on how resource roads are to be used. Permit conditions may range from a permit holder having exclusive use to allow other designated, authorized users to share the road."

So, when that question was put out, the disagree response was close to the last one; it was at 55 percent. As I mentioned in the summary, this proposal has a high level of opposition. A majority of respondents do not support limiting access as

described. Key concerns are similar to the concerns expressed for proposal one on the previous page.

Does the act before us enable this to happen, and then will it be determined in the regulations similar to what the minister explained with my previous question?

Hon. Mr. Streicker: Thank you, Madam Chair. I think this is a very important question and I thank the member for posing it.

There will always be people who wish to use roads that are in place. It's one of those difficult questions. To answer the specific question, yes, the changes to the act in front of us would enable the ability for the regulation to allow for permitting. That permitting could allow for limited access.

Why is that important? Because, I think, if we're talking about some of the developments that are proposed — sometimes remote developments in the Yukon — then I think that we're seeing that those developments could go, if there were a way to get access, which then could be withdrawn at a later date, and they might not go if you did not have that type of access. That becomes a real question.

But that question doesn't get resolved until there is a proposal, for example, to access someplace that is currently remote and that goes through an assessment process and then a permitting process and all of that. We've seen it even recently in applications, and I think it's a really important question — that we need to be able to have the ability to allow limited access and the ability to allow that the road could be remediated once that resource development came to an end, if that was what came through in an assessment and permitting process.

Now, I don't know that you can ever get something back to its original state, but it's a huge difference to say that, once a road goes in, it never comes out. That is quite a mouthful. I think that the act in front of us today allows for the regulations to be put in place that would allow for the ability to permit that road for limited access and include the eventual possibility of the reclamation depending on the whole assessment and permitting process and regulatory process on the government's side.

I think that it is important to understand that what we are talking about here is a class of road that is for resources. That is the whole purpose of the regulation that we are seeking to get to. These are very specific things. These are not roads that we anticipate being for public access. That would fall under the purview of Highways and Public Works. It is the ability to make sure that the way in which we develop those resources is not necessarily opening up the whole of the territory because that is when we would decide — or could decide — that we don't want those developments. It is the ability to have that option.

Mr. Kent: Again, as I mentioned, I think that one of the keys for us will be to compare some of the responses in the "what we heard" documents to the draft regulation and the final regulation, once it comes out, to get a sense of how those concerns were adapted there. I would just stress that hope, that we do have the chance to take a look at these, as opposition parties, before that is finalized.

I do have some questions about security. I turn the minister's attention to page 3 of the bill. It is section 4.5(1). I will just read it into the record here. It says that: "The Minister may require an applicant for a resource road permit or a resource road permit holder to give security, in the amount and manner set out in the regulations, for the purposes of ensuring the maintenance of a resource road or the reclamation or remediation of territorial lands affected by the construction or use of a resource road."

One of the industry groups that I have talked to since this bill was tabled mentioned that there are some concerns with the phrase "the maintenance of a resource road". I think their question is: Does this mean that a security collected for decommissioning or reclamation of the road can be used by the Yukon government for ongoing maintenance of that road? What happens if they use up most or all of the security on maintenance before the decommissioning or reclamation of the road is scheduled to begin? I would welcome the minister's thoughts on that particular piece. Again, it's the phrase "for the purposes of ensuring the maintenance of a resource road".

Hon. Mr. Streicker: The way in which we envision this working normally is that, as the road goes in — let's say the regulations are in place, and let's say that there is a proponent who is wishing to develop a resource. They go through all of their assessment process, et cetera, and we get to the stage where they are seeking to permit a road. We would hold security for the reclamation of that road.

Normally, what would happen is that the proponent would maintain the road over time and do that work as envisioned. They would allow access for the resource. It might be a shared resource — that might be possible, and that's envisioned — and they would do their resource development. The resource development life comes to an end. They reclaim the area where the resource development is happening and they reclaim the road. Their security is returned to them; we're done.

Suppose that, in some instances, there is reclamation work that we feel is not up to standard, and the security is there with which to complete that reclamation work and to make sure that the public is not on the hook for doing that work. That's the main purpose of the security. It's possible that there will be a time when there is someone who decides to walk away from their project before that reclamation has happened. Then the full security would be used for the reclamation.

It is also possible that, while that reclamation is happening, we may need to do some maintenance work on the road in order to keep access to the site in order to do reclamation work on the resource site itself. Is it possible that the security could be used for some of that maintenance work? Yes, it is. We don't think that this is the main purpose.

So, there's nothing in here in the typical sense where the security would be used for maintenance. That's not the normal way, but if there is a resource developer or development where the proponents have walked away and we are left with a road and some work to do to reclaim it, we will do that work with the security deposit. It's possible that you would need to maintain that road in order to do that work for a period of time,

so that's what is envisioned. I am happy to answer further questions.

Mr. Kent: I want to go back to this, obviously. This says: "... security, in the amount and manner set out in the regulations..." — so the regulations will determine the amount and manner. But the minister seems to have introduced something that is hypothetical — that perhaps there will be maintenance required to maintain access to the site. I am just curious how the minister envisions determining the level of security with this hypothetical piece — potentially needing money for maintaining the road to access the site. I am hoping that the question is straightforward enough. How will this be determined for the maintenance if it is just something that may or may not be required?

Hon. Mr. Streicker: The security for the road will be based on what it would take to reclaim the road. That's how we will assess what type of level of security is needed. Has the department envisioned that, at some point, there might be a case where there is a proponent who has left the site and left the road? Yes, I think there are thoughts about that. So, I am talking in the hypothetical to ask: Is it possible that we would choose, as a government, to maintain a road? Because what I think I heard the Member for Copperbelt South ask is: Would we ever use security money to maintain a road? What I answered was: Not in the normal sense. Security is not used to maintain the road. The security is used to reclaim the road, and that is how it is assessed, judged, and measured. However, it is possible that you could get into a situation where the smart thing to do would be, if a proponent has left a site and you see that there is another proponent who would wish to come in and purchase the site — the resource development — that's possible. In that case, the smart thing to do would be to maintain the road until you resolve those questions. Those are possibilities.

I think, though, to answer as clearly as I can around how or what we would use to determine the amount of security to hold, it would be based on the reclamation of the road.

Mr. Kent: Madam Chair, I'm trying to understand this because it was a question that was sent to me by industry today. This one particular clause in the act says that the security will be determined in the amount and manner set out in the regulations for the purposes of ensuring the maintenance of a resource road or the reclamation or remediation of territorial lands affected by the construction or use of a resource road. The minister just mentioned to the House that the security would be determined on how much it would cost to reclaim or remediate the road, but then there is this added piece of potential maintenance, so, to me, it introduces some uncertainty for government, and it also introduces some uncertainty for proponents when setting that level of security.

Again, I'm just curious, how would the government set the security, given the variable that is in here with respect to the maintenance of a road that may or may not be required?

Hon. Mr. Streicker: I will give a bit of a brief response, and then I'll seek to get a little bit more information. Effectively, the tool that we're going to use is the mining branch's. They use a matrix to determine the amount. So, I'm just asking this very technical question about what the elements

are that go into that assessment. I will seek to get an answer for the member opposite. If I get one today while we're still here in Committee of the Whole, I will rise and give that response. If not, I'll find a way to provide the answer for the member opposite.

Mr. Kent: Again, it's the specific part of the act that was flagged for me. While the minister says that the maintenance of a resource road would potentially be specific to accessing the site once a proponent had left it, it doesn't clearly say that in this clause. I think that the minister can probably understand why some of the industry folks whom we have been talking about are concerned about this particular wording, because it seems to me, the way it's worded in here, that the security could be used for maintenance by the Yukon government — or the minister may require an applicant to give security and it could be used for the purposes of ensuring the maintenance of a resource road. It doesn't mention any of the things that the minister had spoken about earlier with respect to maintenance of a road once a potential proponent or proponent had left.

So, again, what assurances can the minister provide industry, when they look at this wording, that this is only for maintenance of a resource road once a proponent has potentially left the site, as he mentioned earlier?

Hon. Mr. Streicker: What I can talk about, Madam Chair, is what the intent is here overall. It's not the Government of Yukon that would be maintaining the road. That's not the intention.

We maintain public roads. That's our job.

But on these resource roads, where they're very specifically set up to be access for a particular resource, that would not be our responsibility.

It isn't about holding back enough money so that we are the maintainers of the road. That is not what is envisioned here.

Because the very specific question has been asked, I will have to dive into the mining branch's matrix to understand how that amount is determined. But the purpose of the reference to maintenance here is in the event that the developer has left and we need to reclaim and remediate the site. It is possible that the way in which that happens requires some maintenance of the road for a period of time. That is why the reference is in the act here. It is to enable that we can do that maintenance work, if necessary, and I think, very distinctly, that we need to ask ourselves — because I think that the member opposite has had a question from someone in industry who wants to know the answer to this question, and I will work to get it for them. It is just — how do we judge what an amount is for security? There is a practice, which is already in place under other projects, and we are going to use a similar practice for roads.

Mr. Kent: So, the minister has said that the security will be held and it would be for the purposes of ensuring the maintenance of the resource road. That is what this clause says, but the minister also indicated the maintenance of the resource road if the developer had left, but that is not reflected in this specific clause, so I am sure that the minister can understand why it does cause some concern for the proponents. I understand — as does industry — that the maintenance of that resource road would be their responsibility, but, again, these six

words in this particular clause of the act are causing some consternation for some of the people in the industry. Then, the minister is saying today that it would only be used if the developer left, but that wording is not reflected in here. I'm not sure — the minister has committed to getting back to us with the calculation of security from the mining branch, but again, this particular wording just introduces a variable here that is a concern for industry, and I am not sure how we can address this here today.

Obviously, we are in Committee of the Whole, we anticipate getting to clause-by-clause, and I am not sure how we can pass this particular clause until we have some of the answers that the minister has committed to getting or some potential wording with respect to this particular clause that would specify what he is telling the House here today — that this would be for the maintenance of a resource road if the developer had left.

I would ask the minister how best to proceed today in the absence of these answers or in the absence of some sort of amendment to the wording to reflect the claim that he has made today with respect to the developer having left the site.

Hon. Mr. Streicker: Thank you, Madam Chair. I will do my best to respond to the question. I have already committed to trying to get a very specific and detailed response from the department.

What is the purpose of security broadly? It is to ensure that, if a proponent doesn't do the right thing, we are able to keep everybody whole and safe. That's the purpose of security. I would have to read to make sure where this is said, but I think it's true that this is the purpose of security. Security is not about saying how we are going to go and maintain a road. That is not its purpose. It is to make sure that the public, broadly, is protected, and I think that is the principle that is at work here.

I don't think that I am introducing anything new with the word "security". What is being said here is just saying that we are going to create, in the regulation, a security for these resource roads.

I will work to get the specific answer, but I think that it is not correct to say suddenly that security is being used for things other than security.

Can maintenance of a road be part of how you deal with a site that has been left? The answer to that is yes. That is why it is listed in here alongside the words "reclamation" and "remediation". But it is still security. That is its purpose. That is how it is laid out. I will never suggest how members opposite can vote — that is at their discretion. I will do my best to provide them with all the information I can, fairly, and try to make sure that they are as informed as they wish to be toward making that vote. Anyway, I will sit down again and stand back up for further questions.

Mr. Kent: I agree with the minister on the security piece, but again, as referenced here, the security would be for the purpose of ensuring the maintenance of a resource road or the reclamation or remediation of territorial lands affected by the construction or use of a resource road. I understand what the minister is telling us with respect to how it would be applied to the maintenance of a resource road if it was a case where the

developer had left the site and it required maintenance to keep that road up or to keep access to that site, but as this legislation stands the test of time — it will be around probably long after the minister and I have left these Chambers for others to deal with — they will come in and just look at this clause and say that the security taken could be for the purposes of ensuring the maintenance of a resource road. I think that those words, and the intent that he had spoken about, are not reflected by what we have here.

Yesterday during motion debate, we talked about clause-by-clause debate and those types of things. There are some extremely important things in this act that will enable the regulations, but I don't want us to get hung up on this one particular clause. Again, we are working through this here this afternoon. We have other business to take care of, but I am curious if the minister would just consider perhaps standing down on Committee for this particular act until we get a chance to talk about this specific clause or until he gets a chance to get the answers that he is anticipating from his department with respect to how the security is calculated — if there are any words that we could perhaps insert into this clause that would take away some of that ambiguity that appears to be there for some of the industry people.

Obviously, I'm not trying to find a way to get around security. I mean, security has to be set at an amount that, as the minister mentioned earlier, would cover the reclamation or remediation of these roads, but this is an extremely important point that I just don't want to leave out as an ambiguous point.

I'm curious if that's something that the minister would consider — that we stand down on Committee on this and move into Committee on the next act that's scheduled, just so we take the time to make sure that we're all on the same page with this, because, as I said at second reading, we want to support this bill and we want to vote for it, but this introduces a level of ambiguity with respect to maintenance that has been flagged for us by an industry association. I'm curious if the minister would —

Some Hon. Member: (Inaudible)

Mr. Kent: An industry association — it was the Yukon Chamber of Mines that flagged this for us.

I guess that would be my question for the minister: Is he willing to either stand down or should we take a recess so that he has a chance to consult with his officials here and back in the department so that we can either make an amendment to this particular clause or perhaps find a way for him to satisfy the questions that I'm asking here this afternoon?

Chair: Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: I will now call Committee of the Whole to order.

The matter before the Committee is general debate on Bill No. 5, entitled *Act to Amend the Territorial Lands (Yukon) Act (2021)*.

Is there any further general debate?

Hon. Mr. Streicker: Thank you again, Madam Chair. When we left off before the break, the Member for Copperbelt South was asking about security. The section in the act here is entitled "Security", and underneath it, it talks about the possibility of requiring some maintenance. Just for a second, let's look ahead at the next section, 4.6. Under section 4.6(2), it says: "The Government of Yukon does not have a duty to maintain a resource road." So, I think it is pretty clear that this is not what it is for. We are not here to maintain those resource roads; however, we do have this section here — 4.5 — which is enabling that we allow for the assessment and collection of security for a road.

What might be part of that? Well, the way in which it is done, as I have already said, is by what we already use for mines and how we assess those mines. The mining branch has a matrix to determine that amount of security, and we are talking about using the same matrix that is already in place right now. Part of that matrix does say "road maintenance"; that is part of it. Just like with mines, there is no intention that we are maintaining roads in those mines all the time. It is that if we have to use the security because of some adverse situation, that there is the assurance that Yukoners will not be on the hook to deal with that situation, up to and including the maintenance of a road. This section here is talking about how the resource road regulation will calculate that security.

This part of the act, again, then is enabling to allow the resource road regulation to do its job. As I have already stated, we are in ongoing dialogue with First Nations and industry around it. This morning, the Yukon Chamber of Commerce reached out to my colleague, Mike Draper, to ask this very same question. So, let me just read that question for the record. Now I'm quoting: "One question that will come up is the wording in 'Security' for the changes — 'the maintenance' — does this mean security provided for decommissioning and reclamation can be used by YG for maintenance of the road?"

I guess within an hour and a half — just around noon time — Mr. Draper responded, "Thanks for flagging this. I will follow up with this at the meeting, but the quick answer to your question is that this clause is in there if the permit-holder walks away from the road and the road falls into disrepair. Government has the dollars from the security to keep the road in good standing until the permit can be transferred to a new permit-holder or it is decided to close the road."

That is what the security is for. It is to keep the public whole. That correspondence was with the Yukon Chamber of Mines. I hope that I have answered the question for the member opposite, but I'm happy to stand up and answer further questions if he has any.

Mr. Kent: Madam Chair, I thank the minister for that response. It's a very similar e-mail that I received this morning as well just before 11:00 a.m., so obviously there was some work that your officials were doing with the chamber after I had received this. I appreciate that work.

I hope that the minister understands where we are coming from. He referenced 4.6, and I have said that I understand that

the Government of Yukon doesn't have that duty to maintain resource roads. I understand that. It's just that this wording seems a little bit loose. I guess we will give the minister the benefit of the doubt that it will be tightened up perhaps in the regulation that flows from this enabling clause. Again, I am not here to hold up debate. This was a question that came to me, so I wanted to get an answer. It just came today; otherwise, I would have flagged it for your officials at the briefing last week so that perhaps we could have had it dealt with before.

That said, Madam Chair, I will move on to the final couple of topics that I want to talk about here today. I know that this work in developing this regulation predates the work of the mineral development strategy, but is any of this captured in the mineral development strategy? I think it was back in our abbreviated Sitting after the election this spring that the minister mentioned that they were reviewing the mineral development strategy and would accept — I don't want to put words in his mouth, but I think, just to paraphrase — he mentioned that perhaps they wouldn't be accepting all the recommendations but some of them. So, is this captured in some of the recommendations of the MDS that the Liberal government is planning on accepting?

Hon. Mr. Streicker: Yes, there was a recommendation in the mineral development strategy about developing a resource road regulation. This is in line with that. Of course, in the sequencing, the independent panel that came forward for the mineral development strategy would have had access to "what we heard" as well. I think that the work on resource road regulations informed them as they did the work on their strategy.

Mr. Kent: Did the minister have anything to add to that last point? I will sit and cede the floor.

Hon. Mr. Streicker: I can say that the department met with the mineral development strategy panel to discuss resource roads several times. It was part of how they became informed before they made their recommendations to us.

Mr. Kent: Madam Chair, just jumping off from there, can the minister give us an indication on when he or his government will be in a position to say which parts of the mineral development strategy they will — to provide an entire list on which parts they're going to adopt and which parts that they're planning on not adopting as far as that final report that came from the MDS panel? Thank you.

Hon. Mr. Streicker: When I met with industry — whether it's the Chamber of Mines or the Klondike Placer Miners' Association — what I've said to them is that what we're intending to do first is focus on those aspects of the mineral development strategy which focus on successor legislation. When we've done our sifting through the mineral development strategy, about half of the recommendations relate to successor legislation. Given our work that has now begun on successor legislation, that's where we're going to put our emphasis.

I don't have a timeline for looking at the other elements of it. I think some of it will evolve as we work our way through successor legislation, so I think it's important that we put that

focus there first. That's the emphasis that I can share with the members opposite today.

Mr. Kent: We're just going to move into the final topic for general debate on this legislation. One of the resource roads that has garnered a lot of attention is obviously the ATAC road into ATAC's property north of Keno City. While prepping for debate earlier today, I was on the yukon.ca website. The last update was May 20, 2021. I'll just read it into the record here. It says: "The Fall 2020 update Beaver River land use plan and agreement work plan timeline indicates the draft plan completion will be March 2021.

"Due to unforeseen circumstances the draft plan completion has been delayed. The land use plan is currently being drafted by the committee and land designations discussions, such as identifying conservation areas, are underway between Yukon Government and the First Nation of Na-Cho Nyäk Dun."

That March 2021 date was a year after your predecessor had announced as the target date for completion of this plan when it was tied to a YESAB recommendation and decision document for this resource road that ATAC resources wanted to put in place.

Can the minister elaborate on the unforeseen circumstances for the delay and give us any further updates? We are talking about May of this year for the last update. Is there anything that we can tell to interested parties on work around this land use plan at this point?

Hon. Mr. Streicker: Madam Chair, I am just going to back us up for a second. I did find the reference in the mineral development strategy. The recommendation was to "Expedite the completion and approval of the Resource Roads Regulation to provide a modern framework for management and enforcement of resource roads from start-up construction and use through to closure and remediation."

So, it's basically asking us to do what we are doing today and going forward to the spring of next year. The latest that I have on the ATAC access road and the Beaver River land use planning process is trying for the spring of next year. We continue to be in dialogue with the government of Na-Cho Nyäk Dun and with ATAC. I am trying to recall when the last time was that we sat down with them. I think it was about a month ago. We have certainly had some ongoing conversation. I know that the department stays in touch with them as well. I guess I'll leave it there for now, but that's the latest that I have.

Mr. Kent: Madam Chair, often over the past while, we have heard that yukon.ca is the place to get the most up-to-date information, so clearly this portion isn't updated, so I am hoping that the minister will instruct officials to update the Beaver River land use plan portion on yukon.ca. I am just looking for a commitment from him to get that done here today on the floor.

Hon. Mr. Streicker: Thank you for the suggestion. I will certainly follow up with officials.

Mr. Kent: That concludes my questions. I thank the minister for the longer than anticipated exchange on the security piece, and I thank him for answering these other questions here today. I thank his officials again for appearing

here today to assist the minister and providing support to him and for the briefing that we received. I will cede the floor to the Member for Takhini-Kopper King.

Ms. White: Thank you, Madam Chair, and I thank my colleague for the questions that he has asked so far. They have been good. It has been good to follow along.

I have one question based on the briefing that we had. During the briefing, it was explained that one of the changes was around permitting — so obviously there are lots of conversations about permitting — but that gravel, ferry landings, fuel storage, and camps could all be included under one permit. So, where in the amendments would I find that? How would this work logistically, and does everything have to be accepted for a project to move forward? For example, if we are talking about construction of the road, does that come with the camp permit or the ferry landing permit? Let's start with those questions.

Hon. Mr. Streicker: I will direct our attention to section 4.10(1)(u). I will quickly read that out: "... respecting matters ancillary to the construction, use, maintenance, closure and decommissioning of resource roads and the reclamation and remediation of territorial lands that are or may be affected by the construction or use of resource roads..."

The really important word there is "ancillary". The idea here is that, rather than having a separate permit for a camp or a quarry or a helicopter pad, there be a permit. That permit would list the uses that can be allowed. Really, this is about trying to not create additional layers of red tape, so it's all on one permit. That was the thinking. This is the one difference between the bill which was tabled earlier this year and the bill that we have in front of us today.

The Member for Takhini-Kopper King asked whether everything had to be in for it to go and, if it wasn't all in, whether it would stop. The way you need to think about this is that the applicant will apply for a whole bunch of uses, and we will assess those uses and decide which ones we are going to permit and which ones we may not — maybe because of things that YESAA has recommended to us or maybe because we feel there are some things that just pose too much risk. I can't anticipate exactly what it is, but the permit would then say, "Here are the permitted uses," but it would all sit under one permit. That is how I understand this to work.

Ms. White: I am just going to highlight one issue that happened. When we got the briefing, we had access to the *Territorial Lands (Yukon) Act* amendments that were tabled in the spring of 2020. We did not have a different copy with (u).

I have just figured it out. The difference between the copy that I have on my person and the one that I can find online is the difference in that section, so I do appreciate it. I probably would have found it if I had been looking at that one.

I will just put out a request to government and officials when we are getting briefings. If the legislation hasn't been tabled yet — if we could get an embargoed copy. We sign documents all the time saying that we won't talk about it before it is public. This is just a very small example, but it would have been handy at the time to have that one in front of me. Now I

do, so it is corrected. It's a much bigger definition under (u), so I do appreciate that.

Along that same thing, when we talk about all these different permits and these different openings — when we were in the briefing, we were talking about who would do the inspections. Who will be following up on these inspections? Is it a similar team that will be inspecting, for example, the camps or the ferry landings, or are we looking at different folks to do those different inspections?

Hon. Mr. Streicker: For the things that we are permitting and talking about here, it will be the Energy, Mines and Resources Compliance Monitoring and Inspections unit — our natural resources officers — who would go out and inspect those things. Of course, whenever you have a camp, if there is an issue around, say, a safety issue, then it would be workers' compensation — or if you had a fuel spill, we would get Environment out. The normal ways of inspecting would also be there for all the other things that might happen along a road, at a camp, or wherever our permits are issued, but for the road, those camps, and those things that are issued under the resource road regulations, it would be Compliance Monitoring and Inspections.

Ms. White: I thank the minister for that answer.

I would just like to go back to one point that my colleague was making about securities. I have to say that to get the briefing and to understand that now we are going to be talking about securities for decommissioning to its entirety is really important. I think about the briefing that I had today with actually the same officials in the same Chamber now, knowing that the Wolverine mine has cost Yukon taxpayers over \$11 million this year because there was inadequate security — I think that what we are talking about is doing things in a different way. We are not talking about doing things pre-devolution transfer agreement; we are talking about actually being responsible and doing mining and resource extraction in a different way. I think that when we talk about securities and we talk about responsibilities, the fact that we are talking about resource roads but also talking about decommissioning is really important.

It is a whole new relationship. It's a whole new way of doing business; it's a whole new way of looking at things. I think that this is why organizations like CPAWS are saying that they are actively looking toward the regulations to make sure that this can be empowered to do what it can do. This is why organizations like the Yukon Conservation Society are saying, you know, that at this point in time, they are just really hoping that the regulations will be strong and will fulfill these obligations.

I think that, just from the briefing that we had with the officials and the questions that were answered then, really, this is a new way of looking at things, and I think that's really important.

With that, I think those are the questions that I have for general debate, and I am looking forward to line-by-line debate.

Hon. Mr. Streicker: I completely agree with the Leader of the Third Party. It's important to note that mining is an important thing, but it's important that we get it right. This is

one of those pieces. We do need to look at how securities are assessed — and assessed on an ongoing basis because, as work progresses, then risks change over time. I think it's our job to make sure that adequate security is collected, whether that be for a resource road or for a mine.

I think that there are examples of where there were not appropriate amounts of security collected, and I think that those are very, very concerning situations. I think that it's an incredibly important point, and when I work with the industry and with the Chamber of Mines and individual mining operations, I share the same words — that we need to make sure to get this right, because, if we don't, it will impact the whole industry and it will leave it in a negative space.

I am thankful that, with the folks I've worked with through industry, everyone is agreed that we need to deal with the environmental, social, and governance issues and to modernize our situation, whether it's through resource road regulations or successor legislation.

Chair: Is there any further general debate on Bill No. 5, entitled *Act to Amend the Territorial Lands (Yukon) Act (2021)*?

Seeing none, we will now proceed to clause-by-clause debate.

On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Ms. White: Clause 3 talks about designation of roads as resource roads. It also deals with security. One of the questions that I have right now is actually under Security, 4.4: "If the amount given as security under subsections (1) or (2) is insufficient to reimburse costs incurred by the Minister in maintaining a resource road or reclaiming or remediating territorial lands affected by the construction or use of a resource road, the amount of the additional costs and any interest payable on that amount are recoverable in a court of competent jurisdiction as a debt owing to the Government of Yukon."

I understand if, for example, a company is in good standing, we could go in court, and the minister or the department could go after the funding, but we have seen, for example, a mining company in Yukon go into receivership. Can the minister walk me through the different ways that the government would recoup the money, in this case, for the reclamation of a resource road?

Hon. Mr. Streicker: Can I just clarify from the member opposite if she was referring to 4.5(4)? I didn't catch it under 4.4 and I just want to make sure.

Ms. White: This is when I almost regret that I just didn't ask these questions in general debate, but the minister is right — 4.5(4) is what I am speaking about.

Hon. Mr. Streicker: The clause here is a pretty standard clause. It just says that, if it wasn't enough, we are able to take someone to court, but the real trick is to make sure that we get the right amount at the beginning because it is always harder to get it after the fact. One of the ways to do it is to issue a lien. I would have to confer with legal folks to ask what all of the

processes are. Unfortunately, I have become too familiar with them lately. It's frustrating. I think that the key message here is that, if we do this right where we assess the security appropriately up front, then we run much less risk of whether or not the proponent has dissolved, vanished, or however they have moved along.

I mentioned this earlier in a different response, but the point is that you must continue to assess the risk over time, because the risk changes over time, depending on the activities that are happening. That is why, on a fairly regular basis, there needs to be a reassessment to see what the situation is. That can include — if a proponent has done a bunch of reclamation and it has been progressive along the way, there can be a way in which a security is reduced because of the good work that is happening. I would have to talk to colleagues from Justice about the various ways in which you can follow up with companies that have become delinquent, but the best way always is to be proactive and to assess things appropriately up front.

Ms. White: I will just highlight that section 3 is very large, so I have a couple more questions to go.

I do appreciate that, and I agree with the minister that, if we collect enough securities at the beginning, we shouldn't have to go after more. I also appreciate the notion that things will be reassessed, so it may be a company getting security money back, but it also means that, if additional work is done, the government can collect it. I do appreciate that. I think that it is the best-case scenario.

Under section 4.7 about user agreements, this is a section where it talks about how there could be a primary road user, but other users may use it and agreements can be coordinated within the department.

It's written much more clearly than I am bringing it out. But in section 4.7(4), it's talking about if the applicant or permit holder does not withdraw their application. This lays out a bit of what the minister and his department can do if that happens. Can the minister walk me through that section, please?

Hon. Mr. Streicker: So, as the member has noted, section 4.7 is talking about user agreements. This is — if you have two or more developments in an area that would share the use of a road — why is that a good idea? Well, the fewer roads we build, the better off we are in terms of its impacts on the environment. So, you want to minimize the road development and try to maximize its use just so that we get as much use as we can out of it with the least impact.

What section 4.7(4) contemplates is: What if there are multiple users but they haven't been able to reach an agreement? Does that happen? Yes, I can imagine that happening.

What this clause allows is that the department, under whoever the minister of the day is, can introduce terms and say that this is how it's going to work. It's sort of like the department could be the arbitrator around this and say that, no, you are going to work together and this is how. Of course, we would always work first to try to get the proponents to reach an agreement cooperatively and constructively, but this allows — if there were a second user, the first user couldn't necessarily

block them from that access, and the department could step in if needed.

Ms. White: I thank the minister for that. The reason why I think it's important to look at the one where the agreements could be brokered through the department is if there is a challenge — because it's just not about the construction; it's the maintenance of the road. So, it can be a big thing, and I think that is important.

Just to focus on a similar vein, I would like to go subsection (7) in the same section under "User agreements". This is talking about greater certainty and the ability for the minister to impose an obligation on an applicant or a permit holder. It's about, I believe, the transfer of funds to another to maintain that road. I am just seeking clarity.

Hon. Mr. Streicker: 4.7(7) is exactly that. If there is an agreement under 4.7(4) that the department, under the name of the minister, has said, "Okay, here's an agreement" — of course, it is about sort of how the costs of keeping up a road — and originally building a road — are shared across users. It probably has to do with how many kilometres are driven and by what weight of truck and all that sort of thing, but there is a way to come up with what should be an equitable amount. But, let's say, in order for that to happen, the one party has to pay for the other party, because maybe the other party has the job of maintaining the road and so there are some costs that the second party owes. If they are not paying it, there is the ability to go to court. That is what this enables.

Ms. White: I thank the minister for that.

I would like to go to section 4.9. It's under "No rights or interest obtained".

The reason why I want to highlight this clause — I think it is really important because it lays out: "A person who constructs, uses maintains, closes or decommissions a resource road or reclaims or remediates territorial lands affected by the construction or use of a resource road does not obtain any rights or interest in the resource road or the territorial lands by doing so..."

The reason why I want to highlight that is that it means that there is no ownership. The territorial land — the land that the road sits on — does not belong to the user. Could I just get the minister to affirm or clarify or add his two cents to that, please?

Hon. Mr. Streicker: Madam Chair, that is exactly correct. This is to say that, if there is a permit issued, that permit will allow for that road to be developed and maintained, but it does not give those permit holders any rights or interests in the lands, or even in the road itself, beyond those permits.

Ms. White: Thank you to the minister for that answer. Moving along to regulations concerning resource roads under section 4.10 — 4.10(1)(f) talks about respecting requirements for, and the manner of, consulting with First Nations and the Inuvialuit in relation to the issuance or amendment of resource road permits. So, during the briefing, I was told that these will be spelled out in regulations, but maybe the minister wants to expand on what those conversations will look like to get those for the regulations.

Hon. Mr. Streicker: The current *Lands Act* doesn't acknowledge our requirement for consultation, which is why

we want successor legislation there, too. So, we are making sure to put that in here. What this is saying is that, as we develop the regulations, as I have already stated in other questions in front of us, we will stay engaged with First Nations and consult with them.

It also says that there will be a requirement — and now it depends on where those roads are — that we would consult with First Nations on those — if we are permitting something, that it would also trigger the requirement to consult.

Ms. White: I thank the minister for that. I think that it is important. We have this opportunity in this way that we are talking about doing regulations in a different way — laying out in regulation the duty to consult and how First Nations will be consulted. I think that is, again, a really powerful thing and very different when we talk about resource legislation. This is the hopeful point: that the Yukon is turning the page and we are writing new chapters on how things can be done. I just wanted to highlight that, just because of the difference.

A question that I asked just before we went into line-by-line debate was, of course, about the ability to put in the gravel at ferry landings. The minister did direct me to (u) in the same line, but can he explain to me — so will those different ancillary uses be named in the regulations?

Hon. Mr. Streicker: Thanks, Madam Chair, and I want to be careful here because we haven't developed those regulations yet, but what I anticipate will be there is a list of examples, and then probably some basket clause at the end that says "and other such uses". Technologies change, and you don't always have the full list. The way in which people work on the land might change over time, so I think that it will try to list off the sorts of things that we expect — like quarries, camps, helicopter pads, and things like that — but I think it will likely have "et cetera" at the end of it.

Ms. White: Thank you, Madam Chair, and I thank the minister for that and also the cautionary tale of not talking about the regulations like they are created but what they could include. Does that mean that permits could be looked at on a case-by-case basis, so if it falls under "et cetera", it will be evaluated by the department?

Hon. Mr. Streicker: Yes, every permit will be considered on its merits and for what it's talking about. Once something is planning to be permitted, then we will use that mining matrix to assess what the security should be, et cetera.

We are not going to charge security if we don't say that you are allowed to do that thing there, of course — right? Then we will inspect based on what those things are that we have permitted. It will be spelled out in the permit about what things are allowed. If the regulation gets to that place where it says "and other possible uses", those things will need to be reasonable and they will need to be what's expected over time. As regulations get updated, you would add those things in and you would start to spell them out — is what I imagine — but you don't change those things every day. I think that the department and the folks within it have been working with industry to talk through what is a reasonable list, but it is pretty typical not to definitively limit it, because then what happens is that you find that your regulations are out of date too quickly.

That is what is typical, but the department at all times will be looking at those applications and judging what is reasonable to permit or not.

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Ms. White: The reason why I want to focus on this one is that I believe that this is the empowerment of officials who will be on the ground. If the minister just wants to walk us a bit through why this section has been added and maybe elaborate a bit — I think this section is really important because it allows the department to issue stop-work orders, issue directions for the rectification of non-compliance and others, so if the minister could just tell us why this is included.

Hon. Mr. Streicker: How do we give our regulations teeth? That is really what this is talking about. What we are saying here in this amendment to the act is that we can, through the regulations, create the ability to enforce and the ability to charge with offences should that enforcement or inspections determine that something is not going appropriately. Also, there is the ability to go back and adjust securities if we see that something has gone inappropriately and we need to retain more money in order to ensure that we can see remediation and reclamation.

As the member suggests, there are a range of ways that this could happen. We could say to whoever it is — the proponent who is doing the work — that they have to stop the work they are doing. We could say, “Okay, you are out of compliance and here is how you have to get back into compliance.” We could ask to be provided information in order to make sure that we are informed about what has been going on.

It allows us to be able to enter and inspect those sites, which may be gated. That’s what we’re anticipating — that these resource roads are gated so that we’re limiting access.

These are sort of standard clauses, but what we’re really trying to say here is that our inspectors will have the ability to enforce that the road and the ancillary uses, which have been permitted, are living up to the expectation, or what we have said is allowed to happen, and stopping those things right away if they are moving offside from what has been permitted.

Ms. White: I thank the minister for that. Just before we’re through this, there are a couple of thoughts that I would just like to end with. One is that I hope this is the beginning of a completely new relationship as far as how we look at using our non-renewable resources and how we access them. To me, these amendment changes are making things stronger. I think that is an important part.

The other pitch that I want to make is that this is nothing without regulations. If regulations take years to develop before this can be fully enacted, then it’s not going to help us now. Urging that those conversations happen and that consultation happens for regulations — and that they be developed, unlike off-road vehicle legislation that was passed in the same act in 2011 and regulations just came forward — so, you know, making sure that we are able to act quickly on this.

With that, I thank the minister and his officials for their time.

Hon. Mr. Streicker: So, there are two things that I want to say. I will begin by saying thank you. I support what the member has said just now. I think that one way to think about how we’re getting here is that it came the other way around. It was the work on the regulations that led to the amendment of this act or the proposed amendment to the act that we have in front of us today. I think that work is progressing very well. I’m always amazed at how much time it really takes to do this work. What I can say is that department officials and industry partners and other governments have all been working on this, so let me just give that acknowledgement to everybody who has been involved on it and thank them for their diligence around this work.

The other thing is that this does two things in my mind. It will protect the environment much better than we have. I think it is a new regime. In doing so, we will enable the possibility for some developments which we would never have gotten to because we would say that is too much risk to the environment. This, in my mind, also supports industry to allow the possibility for some projects. Even ones that I have seen working their way through the assessment process now become a different story because of this better control of access which would allow us to protect the environment. I hope that this works on both sides of that equation. That is the intention.

Chair: Is there any further debate on Clause 5?

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Title

Title agreed to

Hon. Mr. Streicker: Madam Chair, I move that you report Bill No. 5, entitled *Act to Amend the Territorial Lands (Yukon) Act (2021)*, without amendment.

Chair: It has been moved by the Minister of Energy, Mines and Resources that the Chair report Bill No. 5, entitled *Act to Amend the Territorial Lands (Yukon) Act (2021)*, without amendment.

Motion agreed to

Chair: The matter now before the Committee is general debate on Bill No. 7, entitled *Act to Amend the Family Property and Support Act (2021)*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Deputy Chair (Ms. Tredger): I will now call Committee of the Whole to order.

Deputy Chair's statement

Deputy Chair: Members are probably aware that the Standing Committee on Rules Elections and Privileges is considering right now gendered forms of address. In the interim, I would ask that members address me in this role as “Deputy Chair” rather than “Madam Deputy Chair”.

Bill No. 7: *Act to Amend the Family Property and Support Act (2021)*

Deputy Chair: The matter now before the Committee is general debate on Bill No. 7, entitled *Act to Amend the Family Property and Support Act (2021)*.

Is there any general debate?

Hon. Ms. McPhee: First of all, I would like my colleagues to help me welcome Will Steinburg and Andrea Bailey who are here today to assist with questions that the members opposite might have with respect to Bill No. 7. I will just take a few moments today to thank them for being here and thank them for their work on this bill to get it to the floor of the Legislative Assembly.

In my earlier remarks today at second reading, I reviewed the change that we have made to the *Family Property and Support Act*. The proposed amendment to the *Family Property and Support Act* that we are discussing today is a testament to the government's commitment to modernizing Yukon legislation and ensuring that supports and services in our territory are inclusive and fair.

The Government of Yukon is pleased to move forward with this amendment as it aligns with our priority of maintaining a people-centred approach. Through the proposed amendment, we will ensure that our justice system provides a balanced approach and that our laws meet acceptable standards for equity, fairness, and respect for the rule of law.

Before I discuss Bill No. 7, I would like to take a quick moment to mention what exactly spousal support is and how this service is provided in the Yukon. Spousal support refers to the money paid by one spouse to another spouse or partner after a relationship has ended. In the past, it has also been called “alimony” or “maintenance”. It is usually in regular payments for a certain period of time or indefinitely. In most cases, it is paid in order to fulfill an agreement between the former spouses or to comply with an order from the court.

Following an application, a judge will determine whether a spouse is entitled to receive support. It is not automatic and it will depend on many factors listed in the *Family Property and Support Act*. If the couple agrees that one of them is dependent on the other and entitled to some support, or if a judge makes this determination, the next steps are to determine the amount of the support, the duration of the support, and the form of those support payments.

I would also like to briefly touch on exactly what separation is — what that means — and the importance of a date of separation. Separation means two people who are married or who lived in a common-law relationship but who no longer wish to be in a relationship and are separated. People who have separated do not need a legal document to state that they are separated. The date of separation is often when

obligations to pay spousal or child support begin. The exact day of separation can be a complicated question. It is most often marked when one spouse moves to another residence, but spouses do not have to live apart to be considered separated. For example, former spouses might decide to continue living under the same roof in order to care for their children or for economic reasons even though they are no longer a couple.

If former spouses do not agree, a judge may have to determine the date of separation. This is also an issue if couples separate and then get back together for a period of time or separate again before the relationship is considered to be completely ended. It's not always very clear.

With this context in mind, through Bill No. 7, we are specifically proposing to amend section 37 of the *Family Property and Support Act*. As is currently legislated, section 37 of the act states that an application for spousal support by a common-law spouse must be made within three months of the date of separation. The proposed amendment removes the time limit for spousal support applications by former common-law spouses.

The changing realities of spousal relationships in the Yukon as well as changes to family property laws in Canada means that the proposed amendment to the act is needed to ensure that it is in line with current legal and social norms across Canada. The 2016 census showed that one-third of Yukon couples living together are common law, or 32 percent. This is higher than the national average of 21.3 percent.

The proposed amendment ensures that common-law spouses will have greater access to spousal support in the same manner that married spouses do. The amendment also includes a provision stating that removal of the time limit will only apply to common-law spouses who separate after the amendment comes into force.

I'm pleased to present this change to the *Family Property and Support Act* which will provide common-law spouses with equal access to spousal support and to those who are married.

I look forward to further discussions and to questions on this important proposed legislative amendment.

I should note that this came to my attention — I haven't practised in family law for many, many years, but a local family law lawyer pointed out that sometimes common-law spouses who knew about this, or who were told about it by someone, would literally run off and hire a lawyer to file this kind of spousal support application within the three months, even if the couple weren't yet separated or even if they didn't think that they would need spousal support or that they were eligible for it, but applications were made in order to conserve the right. That is clearly not appropriate. It is a waste of resources, it costs people money, and it is clearly not fair, so we are trying to resolve that here today.

Mr. Cathers: I would note that we agree that the current three-month limitation that applies to common-law couples clearly doesn't make sense, and we do support changing it. I haven't heard any concerns with the proposed wording of the legislation in front of us from anyone at this point in time, and I don't have any myself. I would just note that we do have a few questions about the current act, I should say, having heard

from people, including people in the legal community, about other issues with the current act. I would just ask the minister to indicate why the current scope was chosen, why the review of the act was not broader to consider other issues with it, and, thirdly and finally, whether the government plans to do a review and public consultation on the rest of the act to address those other issues that we have heard about.

Hon. Ms. McPhee: I should indicate, as I did earlier, that this matter — this rather surgical amendment to the *Family Property and Support Act* — was brought to our attention by the local legal community, and the unfairness was very evident once we took a quick look at it. There were no other matters brought to our attention, so if the member opposite has other matters that he thinks need reviewing in this piece of legislation, we would be happy to hear about them. I encourage him to write to me so we can take a look, but the amendment that is before the Legislative Assembly is particularly surgical because it was to fix this one element of the *Family Property and Support Act*, without recent complaint about anything else, and we don't have a plan to review it in the near future.

Mr. Cathers: I appreciate the information. I also would just ask the minister to clarify what consultation occurred on this proposed wording. Again, as I noted, I haven't actually heard concerns from Yukon citizens regarding the proposed wording, but I am just asking for information about who was actually consulted about the policy change and the proposed wording of this legislation.

Hon. Ms. McPhee: There was no formal consultation process undertaken with respect to this amendment. It was clearly an amendment that was unfair to what we now know was 32 percent of the population in the territory — and for no valid reason and out of line with other family-property and support type of acts in other jurisdictions — so no formal consultation process was undertaken with the public. However, the Department of Justice did engage an expert consultant who is an experienced practitioner in family law in the territory to help with the policy considerations and ultimately to help with the work that was done in the department to draft the amendment.

Mr. Cathers: I will at this point conclude my questions and pass it over to the Third Party for any questions that they may have.

Ms. Blake: I just wanted to ask: When referring to common-law partners, does this common-law partner include Yukoners who live in same-sex relationships?

Hon. Ms. McPhee: Thank you for the question. Yes, it would apply to everyone who might be in a common-law relationship, and in the event that a same-sex couple was in a common-law relationship and ultimately separated, this would apply to them as well.

Ms. Blake: Do we have a length of time that individuals are together before they are considered to be common law? Some say three months or six months.

Hon. Ms. McPhee: It's a great question about what constitutes a common-law relationship. The amendment will apply to all individuals who separate from a common-law

spouse, including those in same-sex couples, as I've mentioned, after the changes come into effect.

Section 37 of the act describes common-law spouses as either of two persons who, not being married to each other, have cohabited in a relationship of some permanence. So, there's no timeline in this piece of legislation.

In this case, "cohabit" means living together in a conjugal relationship, whether within or outside of marriage. There is no requirement for individuals that live in that relationship — that they be of the opposite sex. You can see from the wording that this is also fixed and inclusive.

There are other pieces of legislation that note that common-law relationships are after one year, but certainly there is an argument here, in this piece of legislation, to be made that, if somebody cohabited in a relationship of some permanence, it wouldn't have to be past a year.

I think I can just give you a couple of examples of acts that do indicate one year, if that is of interest to you: *Dependants Relief Act*, *Estate Administration Act*, *Wills Act*, *Enduring Power of Attorney Act*, *Fatal Accidents Act*, *Maintenance Enforcement Act*, *Public Guardian and Trustee Act*, *Adult Protection and Decision-Making Act*, and *Vital Statistics Act*. So, you will see that there are many pieces of legislation here in the territory that do require common-law spouses to have lived together for 12 months. This one doesn't — I think there is a bit more leeway there — but generally, that is the accepted practice.

Ms. Blake: So, would it be determined later on, with a time frame of when couples will be considered common law? I'm confused. Will that be indicated in the act at some point?

Hon. Ms. McPhee: Sorry, Deputy Chair — I didn't quite hear all of the question, but I am wondering if it is: Will 12 months be put into the *Act to Amend the Family Property and Support Act (2021)* as a limitation? The answer to that is no.

Deputy Chair: Is there any further general debate on Bill No. 7, entitled *Act to Amend the Family Property and Support Act (2021)*?

Seeing none, we will proceed to clause-by-clause debate.

On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Title

Title agreed to

Hon. Ms. McPhee: Thank you, Deputy Chair. I move that you report Bill No. 7, entitled *Act to Amend the Family Property and Support Act (2021)*, without amendment.

Deputy Chair: It has been moved by the Minister of Justice that the Chair report Bill No. 7, entitled *Act to Amend the Family Property and Support (2021)*, without amendment.

Motion agreed to

Deputy Chair: The time being 5:30 p.m., the Chair will now rise and report progress.

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. Tredger: Mr. Speaker, Committee of the Whole has considered Bill No. 5, entitled *Act to Amend the Territorial Lands (Yukon) Act (2021)*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 7, entitled *Act to Amend the Family Property and Support Act (2021)*, and directed me to report the bill without amendment.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:31 p.m.

The following sessional paper was tabled October 15, 2021:

35-1-17

Yukon Development Corporation 2020 Annual Report
(Streicker)

The following documents were filed October 15, 2021:

35-1-8

Yukon Energy 2020 Annual Report (Streicker)

35-1-9

Energy Retrofit Loan Program/Better Buildings Program, letter re (dated October 6, 2021) from Dan Curtis, Mayor, City of Whitehorse, to Hon. Richard Mostyn, Minister of Community Services (Dixon)