



# Yukon Legislative Assembly

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Number 156

1<sup>st</sup> Session

35<sup>th</sup> Legislature

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## HANSARD

Thursday, November 9, 2023 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

# YUKON LEGISLATIVE ASSEMBLY

## 2023 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 — Lane Tredger, MLA, Whitehorse Centre**

### CABINET MINISTERS

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

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

<b>Kate White</b>	Leader of the Third Party Takhini-Kopper King
<b>Lane Tredger</b>	Third Party House Leader Whitehorse Centre
<b>Annie Blake</b>	Vuntut Gwitchin

### LEGISLATIVE STAFF

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

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Thursday, November 9, 2023 — 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  
Remembrance Day**

**Speaker:** Remembrance Day is the day when we remember the many fallen Canadians who have given their lives in the line of duty. There is a lot to think about this year with wars happening in Gaza, Ukraine, Sudan, Yemen, Syria, and many lower-grade conflicts around the world that are just as real as larger wars to those who suffer the consequences.

It is very disturbing to think of the loss of life that we have seen in these wars over the last year: whole families murdered, children killed in their homes, people terrified by daily bombings and gunfire in their hometowns. It is difficult not to become depressed at the state of our human condition when we see all this all over our media day after day.

Here at home, we are at peace. Canadian contributions do not include active participation in the conflicts in the war zones, although we offer humanitarian relief and military support in the case of Ukraine. I support Canada helping people in their times of need, but I am saddened by the fact that they needed it in the first place.

Remembrance Day is a day to ponder the senseless destruction of war. It is a day to think about what is right and what is worth fighting for but also to double our efforts to avoid war in the first place.

Lest we forget.

**DAILY ROUTINE**

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

Are there any visitors to be introduced?

**INTRODUCTION OF VISITORS**

**Hon. Mr. Pillai:** Mr. Speaker, we have a number of guests here with us today. I ask my colleagues to provide a warm welcome to the individuals who are here for our Remembrance Day tribute today: Corporal Retired Morris Cratty; Sergeant Retired Joe Mewett; Sergeant Retired Dave Laxton; Major Retired Red Grossinger; Corporal Retired Brian Reed; Ranger Al Parker; Sergeant Retired Jon Hall; Captain Retired Cal Knowles and Louise Knowles; Major Greg Theriau; Warrant Officer Andrew McLeod; and Master Corporal Retired Paul Brais and Melanie Brais.

I also saw veteran Carl Sidney.

*Applause*

**Hon. Ms. McLean:** Mr. Speaker, I ask my colleagues to please help me in welcoming some special guests here for the National Indigenous Veterans Day tribute that I will be giving

soon. We have Chief Sean Smith from the Kwanlin Dün First Nation; and we have Chief Amanda Leas from the Ta'an Kwäch'än Council; and we have Denise Beattie, who is a member of the Champagne and Aishihik First Nations and granddaughter to Alex Van Bibber.

I too would like to welcome former Khâ Shâde Héní Carl Sidney of the Teslin Tlingit Council.

*Applause*

**Ms. White:** Mr. Speaker, I invite my colleagues to join me in welcoming a couple of people to the gallery. Two of them sat through almost every day of the Legislative Assembly for my first five years — Rob and Mary Ann Lewis — and Brian Eaton is joining us today as well.

*Applause*

**Speaker:** Tributes.

**TRIBUTES**

**In recognition of Remembrance Day**

**Hon. Mr. Pillai:** Mr. Speaker, I rise today in honour of Remembrance Day and to pay tribute to all Canadian soldiers for the courage, sacrifice, and service to our country. In the 11<sup>th</sup> month on the 11<sup>th</sup> day at the 11<sup>th</sup> hour, we, as a community, share in two minutes of silence and remember those who did not make it home from the conflict. We wear poppies as a symbol of remembrance signifying that their memory is not forgotten and in observance of our gratitude for all that has been endured and fought for.

We remember those who did not make it home and we remember the families who have lost loved ones. We mourn their ultimate sacrifice. We remember those who have returned — many with scars, seen and unseen. We also thank those veterans who have dedicated their time to their military family members who are facing challenges after war. We can continue to pay tribute to their legacy by remembering their stories, by living up to the ideals that they fought for, cherishing our freedoms, and contributing to our communities.

My family and I sit in observance of all veterans, holding a special time to share stories — my wife's grandfather and children's great-grandfather, John Adamson, a Champagne and Aishihik First Nations elder who fought in the Second World War and was a proud Indigenous veteran.

For all veterans and service members who have come from all walks of life from across this country and who have answered the call to duty and served our nation with valour and selflessness, we stand in remembrance in honour of you. We thank you for your service on behalf of all Yukoners and Canadians, and we also extend our gratitude to members of military families — spouses, children, parents, and others — who valiantly sacrifice time with their loved ones.

Lest we forget those who have served our country and those who are continuing to serve with honour, integrity, courage, and dignity, I encourage all Yukoners to participate in a moment of silence on November 11, to wear a poppy as a symbol of our remembrance, and to thank a veteran or service member for what they do or have done.

Lest we forget.

**Mr. Istchenko:** I rise on behalf of the Yukon Party Official Opposition to pay tribute to Remembrance Day.

I am going to read a portion of an article by Margaret Ecker from *The Canadian Press News*, May 12, 1945, published weekly for the Canadian Forces overseas. The headline of this newspaper reads: “Germany Quits”: “Without ceremony and without drama, in the pre-dawn hours of May 7, Col-Gen. Gustaf Jodl, newly created chief-of-staff of the German Wehrmacht, and Gen.-Admiral Hans George Von Friedelburg, commander-in-chief of the German navy, grimly scrawled their signatures to documents of unconditional surrender.

“I watched the Germans sign the death warrant of the Third Reich in an oppressively hot room in supreme headquarters here as they sat upon cheap deal chairs at a black-topped, ordinary table. The two Germans, with interpreters, sat alone at one side of the 20-foot-long table facing a representation of their conquerors — Britain, United States, Russia and France — who together in this very room on sprawling war maps plotted the strategy which eventually brought the German envoys on their knees.

“For 33 hours and 20 minutes the Allied supreme command and representatives of Russia had negotiated the surrender with Germany while the air was full of signals to Prime Minister Churchill and President Truman keeping them posted on the progress of the conference and messages were flying back and forth between Admiral Doenitz and his subordinates in Reims.

“And so finally the Allies and the Germans came together at the peace table which closed the Second Great War. The war conflict which Hitler had launched with such thunder ended with a whimper in a small, stuffy room crammed with about 60 persons dripping with perspiration ... For the Canadian Army in west Holland and northwest Germany, where the cease fire became effective Saturday morning, May 5, when the German northern forces capitulated in a prelude to the general surrender, this overall collapse of the Reich was a definite guarantee that Canadians had finished their job in Europe.” They could now return home except for a few left back who were liberating Holland.

Mr. Speaker, that is why every year at the 11<sup>th</sup> hour of the 11<sup>th</sup> day of the 11<sup>th</sup> month, we gather in memorial parks, community halls, workplaces, schools, and homes.

We stand to honour and observe a moment of silence to mark the sacrifice of the many who have fallen in service of their country and to acknowledge the courage of those who still serve. Canadian veterans have served throughout history in a broad range of conflicts and situations: world wars, peacekeeping missions, and any crisis on the home front. On Remembrance Day, we honour and remember all veterans. Canadian veterans have protected the rights and freedoms of Canadians and people from countries all over the world through peacekeeping missions. They have played a critical role in protecting Canadians on the home front. Whether from fires, floods, or threats, these men and women have risked their lives for our safety and protection. We must also recognize the

support of our military families — the fathers, the sons, the mothers, and the daughters — who have endured alongside Canadian veterans. I want to thank all of those who have put time and effort into remembering, especially our legions across Canada.

Mr. Speaker, as a young soldier in Germany in the late 1980s seeing the memorials and participating in Remembrance Day ceremonies at Vimy Ridge, France, I understood — and I do still understand — the ultimate sacrifices that were made for our freedoms that we have here in this country today. We must remember that a veteran is a veteran is a veteran. If we do not, the sacrifices from those Canadian lives lost will be meaningless. They died for us, for their homes and families and friends, for a collection of traditions that they cherish, and a future that they believed in. They died for Canada.

Thank you. Lest we forget.

**Ms. White:** Mr. Speaker, I rise today on behalf of the Yukon NDP in recognition of Remembrance Day. First Canadian Commander of the Canadian Corps, Sir Arthur Currie, wrote this speech 90 years ago, nearly to the day. It was delivered to a room of First World War veterans. He was speaking of Armistice Day, which we now call Remembrance Day. The words he wrote then still ring true today. I quote: “To all who lived through the war years, and more particularly to those who saw active service — today has been a day of sacred memories, different perhaps in detail to each one of us, but yet all based on similar experiences and similar emotions.

“With a lapse of years, Armistice Day becomes naturally less demonstrative. The ranks of those who saw service grow yearly smaller, as we pay our toll to time. And in future the day will grow less weighted with meaning to the generation born in the years between.

“But whatever changes may come, and however slight may be the recognition of future generations, I hope that Armistice Day may never cease to be impressive. I hope that the two-minute interval of solemn silence will always be more than a formal, statutory gesture — that it will always mean a reverence pause, in which we gladly remember, with tender and grateful thoughts, those who nobly dies for our country’s ideals ... We remember tonight the high resolves of that time 15 years ago. There was unspeakable sorrow for the great army of youth that had gone so early to its death. We were told that the world would henceforth be safe for youth.

“But what of youth today, and the opportunity for youth in our modern world? Where, ask the men who fought, is that new world of justice and goodwill they suffered so keenly to create? Has the world done anything more in these 15 years than give lip service to the ideals for which our fallen comrades gave their lives? The answer to these questions is found in the actual conditions of the hour. And these conditions are such that Armistice Day should smite the conscience of the world ... on this 15<sup>th</sup> anniversary of a peace which was to silence battle fronts forever, peace is not a fact, but still a dream.

“We need, as never before, the healing qualities of devotion and fidelity and self-sacrifice and goodwill and comradeship and friendliness, so that suspicion may be

vanquished and justice and mutual trust may be permanently enthroned. All this desire is in harmony with the real spirit of Armistice Day — the day dedicated to sacrifice and loyal remembrance of others.

“Armistice Day is primarily a commemoration of the dead. But a commemoration of the dead should be likewise an appeal to the living not to deplore the past, but to awaken our sense of responsibility to make our world less deplorable.

“We know from experience the stupidity of war, and the stupidity of those who made or caused wars. Does our responsibility end with condemning the follies of the stupid or the vicious 20 years ago? What can we do as veterans to make the world less deplorable?

“Are we fighting so that the next generation of youth will not condemn our stupidity as we condemned in the trenches the stupidity of our elders in 1914 and the era immediately before it?

“The truest commemoration of our honoured dead will be in the vigorous enlistment of our own lives and capacities in the struggle between unselfishness and greed, honesty and corruption, justice and injustice, and in the serious application to our national problems of those qualities which distinguished our Corps in the war days, and enabled us always to advance and conquer.

“Armistice Day reminds our country of the steadfastness of our fighting troops. It should also be a reminder to every citizen that he still has a duty to discharge, if the war is to be fully won and its high objectives permanently secured. It should call us to a realization that we still have to complete the unfinished task of our dead comrades who speak to us tonight with a voiceless eloquence — the task of replacing the present system of suspicion and fear and conflict with the enduring fabric of confidence in humane law and order.

“And on this Armistice night, as we recall the nobility of your sacrifice, we turn away from trenches and wounds and death and we rededicate our lives with hope to the still unfinished work which you so gallantly advanced and for which you died.”

Today, I think about the people living in active war zones — these people living in fear, seeing their communities destroyed piece by piece, human by human, child by child, and the armistice of the First World War was signed on November 11, 1918, and this ceasefire brought an end to the Great War. This ceasefire saved countless lives and gave hope and a future to millions of people.

Canadians are still grappling with the grief of war. Hopefully, as we wrestle with our collective feelings of past tragedies, we can gain some clarity on the conflicts of the present. We owe it to veterans and their families to strive for peace at home and around the world.

Lest we forget.

### In recognition of National Indigenous Veterans Day

**Hon. Ms. McLean:** Mr. Speaker, I rise today on behalf of our Yukon Liberal government in honour of National Indigenous Veterans Day, which takes place each year on November 8.

I have seen so many beautiful beaded poppies this week, and I want to hold my hands up to all of those artists for your meaningful work in recognizing Veterans’ Week, National Indigenous Veterans Day, and Remembrance Day.

Indigenous soldiers have contributed to the Canadian Armed Forces in invaluable and numerous ways. Currently, there are 2,742 Indigenous members serving in the Canadian Armed Forces’ regular force and primary reserve force combined. They represent 2.8 percent of the Canadian Armed Forces and we thank them for their selfless service.

Indigenous people have participated in every great conflict of the 20<sup>th</sup> century. It is estimated that as many as 12,000 Indigenous people served in these conflicts, with at least 500 people making the ultimate sacrifice. Indigenous people served alongside their non-Indigenous comrades. Together, they shared in victory and defeat, in life and loss. They were fulfilling the most demanding and significant duty of citizenship — wearing the uniform and taking up arms to defend freedom and protect human life.

Indigenous veterans overcame much to serve, including adapting to cultural differences, travelling great distances just to enlist, and receiving unequal treatment when they returned home. They did not have the full rights and benefits that other Canadian citizens had, as they were governed by the *Indian Act*. As the Second World War came to a close, change was on the horizon for Indigenous veterans. Veterans and leaders advocated for their rights to citizenship reform. This led to a parliamentary review in 1946 and major amendments to the *Indian Act*.

In Yukon, similar demands were being made. Alex Van Bibber, a member of the Champagne and Aishihik First Nations and a veteran of the Second World War, stood up for Indigenous veterans. He noticed that, upon discharge, Indigenous veterans were sent home with only \$100 for clothing, yet non-Indigenous veterans were sent home with a parcel of farmland and the support to build a home. Alex became an advocate for Indigenous veterans in the Yukon and beyond, and it was because of the like-minded advocacy that the federal government increased their compensation to \$20,000 each.

Elijah Smith was a member of the Champagne and Aishihik First Nations and another Yukon soldier whose experiences serving in the Second World War led him to go on to champion the rights of Yukon First Nations. He led the movement toward Yukon land claims and the Yukon’s final and self-government agreements, which created a more equitable territory today.

Indigenous Veterans Day is a day to commemorate and celebrate the bravery and valour of Indigenous veterans. On behalf of all Yukoners, I thank all Indigenous veterans who served in wars and those who supported at home. We continue to strive to do better to honour the sacrifices made by these brave people.

Lest we forget.

**Mr. Istchenko:** I rise on behalf of the Yukon Party Official Opposition to tribute Indigenous Veterans Day. I want

to talk about an initiative started here in the north by Floyd Powder, an Indigenous veteran who served 32 years. He was originally from Fort Smith, and now he serves as the Sergeant-at-Arms in the Northwest Territories Legislature. It is great to see veterans in this capacity, as we have Karina Watson, our Sergeant-at-Arms, and our Deputy Sergeant-at-Arms being Joe Mewett, who serve this Legislature.

Floyd has been tracking down unmarked graves of veterans across the Northwest Territories and working with families so that their loved ones can have a military-style headstone. The families of Indigenous veterans, especially in small communities, may not know they are eligible for funeral and burial assistance from the military, and this can lead to a veteran being in an unmarked grave — without a headstone recognizing their service to their country.

Earlier this year, when I was at Ranger leadership, Floyd briefed us on this Last Post Fund's initiative, which focuses on finding Indigenous veterans and is where Floyd works as a volunteer. He searches for graves and mostly works alone to identify these unmarked graves. So far, the fund has helped install 25 headstones for veterans between Fort McPherson and Fort Fitzgerald, 13 of which are for Indigenous veterans.

Our local region just completed a grave here at Grey Mountain Cemetery for an Indigenous veteran — Ross Wilson Reed. I am sure that there will be more to come through this fund in the Yukon.

November 8 marked Indigenous Veterans Day in Canada. It is estimated that more than 7,000 First Nation people served in the First World War and Second World War in uniform and many to the present day. The federal government actually said that number was even higher when considering an unknown number of Métis, Inuit, and other Indigenous recruits.

In Canada's north, there is a rich history of Indigenous veterans who have served our country. We have highlighted many of them in past tributes in this Legislative Assembly. This year, I want to highlight those who serve in the Canadian Rangers. When World War II ended in 1945, the Canadian government realized that there was no need for the Pacific Coast Militia Rangers on the west coast of Canada and instead incorporated their duties to form the Canadian Rangers across the north. They span across Canada's north — 40 percent of the total land mass — where there are no reserve forces of the Canadian Army.

Rangers were trained as guides and scouts, continuously expanded their knowledge of the land, and have the capacity to act, if necessary, working with regular army units from the south. We rarely make notice of Rangers, but they are the ones whom we see at the cenotaph every Remembrance Day in these small communities. More than sombre figures to remember the ones who have fallen, the Rangers are here to provide a vital service, and these patrols across the north consist of predominantly Indigenous members.

As Canadians and Yukoners, we remember all those Indigenous veterans who have served our country in the past through many conflicts of war and peacekeeping and here at home. I am honoured to serve with many of them. It is great to

see so many veterans here — and ones who are still serving — in the House today.

Thank you very much, günilischish, shāw níthän.  
Lest we forget.

**Ms. Blake:** I stand on behalf of the Yukon NDP in honour of National Aboriginal Veterans Day. Today and every day, we acknowledge the significant contributions of Indigenous peoples, including First Nations, Inuit, and Métis, in the defence of peace and human rights.

We honour the courage, commitment, and sacrifices made by these brave people who stepped forward to serve their Indigenous nation and Canada in times of need. The acknowledgement and celebration of Indigenous veterans: There is even greater significance given the unfortunate past of discrimination and lack of appropriate recognition toward Indigenous soldiers returning from service or seeking veteran benefits.

Thousands of Indigenous veterans sacrificed their lives, their Indian status, and their freedom for us to live in the Canada that we know today. Indigenous people continue to answer the call and to play a critical role in Canada's effort to promote and protect our peace and security. We honour and remember the Indigenous soldiers who fought courageously for their homeland. Today and every day, it is essential that we thank and honour all veterans for their contributions, sacrifices, and for the many lives lost.

Lest we forget.

**Speaker:** I would ask all present to stand as we observe a moment of silence in honour of Remembrance Day.

*Moment of silence observed*

**Speaker:** They shall grow not old, as we that are left grow old:

Age shall not weary them, nor the years condemn.  
At the going down of the sun and in the morning  
We will remember them.

Thank you; please be seated.

Are there any returns or documents for tabling?

Are there any reports of committees?

Petitions.

## PETITIONS

### Petition No. 21 — response

**Hon. Mr. Clarke:** Mr. Speaker, I rise today in response to Petition No. 21. This petition is calling on the Government of Yukon to ban all trophy hunting of grizzly bears in the Yukon and to ban roadside hunting of grizzly bears throughout the territory. I thank those who have taken the time to sign the petition and take part in the public discussion on this matter. I acknowledge your concerns regarding grizzly bears in the Yukon and appreciate your commitment to the conservation of this iconic species.

While grizzly bears are listed as a species of special concern in Canada, data collected by the Department of Environment, as well as local and traditional knowledge holders, indicate that the population of grizzly bears in the Yukon is stable and healthy. Under the federal *Species at Risk Act*, the only requirement for a species of special concern is to develop a management plan.

Through the work of the Department of Environment biologists and in partnership with the Yukon Fish and Wildlife Management Board, we engaged extensively with Yukon First Nations, Inuvialuit, transboundary First Nations, renewable resources councils, various wildlife agencies and organizations, as well as the Yukon public, to develop and release the territory's first conservation plan for grizzly bears in Yukon in 2019.

Mr. Speaker, the conservation plan, which received broad endorsement and support in the Yukon, is indeed based on current western science and traditional knowledge. The plan is intended to be a proactive measure to guide bear management across the territory, as grizzly bear populations appear to be stable in the Yukon. Much work has been undertaken since 2019 in order to monitor and study bear populations in central Yukon, including the Beaver River watershed near Mayo, the Klondike Plateau area north of Carmacks, and most recently, the Ogilvie Mountains in 2023.

It is estimated that there are between 6,000 and 7,000 grizzly bears in the Yukon. I understand the concern that some Yukoners have regarding grizzly bear hunting in the territory, and I would like to address the two points that this petition is urging the Government of Yukon to do.

First, the ban on roadside hunting of grizzly bears. Recently, the Government of Yukon amended the wildlife regulations to allow the minister to determine the number of grizzly bears that may be hunted within 100 metres of the centre line of a particular highway in the Yukon. The regulation establishes an adaptive framework that allows for local community or First Nation governments to request a prohibition of roadside hunting of grizzly bears in their area.

Recently, we have seen this in action in the Southern Lakes area, where roadside hunting of grizzly bears is prohibited along the Alaska Highway from the M'Clintock River bridge to Jakes Corner, the Tagish Road, the Atlin Road to the British Columbia border, and along the south Klondike Highway from Carcross Corner to the British Columbia border. Upon the receipt of such a request, we would engage with the local First Nation, renewable resources council, and the community on the proposal.

Regarding a ban on grizzly bear hunting in the Yukon, I want to put into context how many bears are, on average, being harvested. The Government of Yukon works to ensure that the harvest of any species in the Yukon is done sustainably, while respecting the primary importance of wildlife conservation and Indigenous subsistence harvest rights.

Mr. Speaker, since 1995, the annual average of grizzly bears harvested by residents is 28. The average non-resident harvest is 43. In total, there are approximately 80 human-caused grizzly bear deaths reported each year in the Yukon,

including deaths from vehicle collisions, hunting, and from defence of life or property. If there are 6,000 grizzly bears in the territory — which would be on the low end of our population estimate — 80 deaths account for a little over one percent of the population. Four percent is widely accepted as the total sustainable mortality rate in a given bear management unit.

In the Yukon, licensed hunters, resident and non-resident, are permitted to hunt one grizzly bear every three licensed years, and it is illegal to hunt cubs or adult females accompanied by cubs. Based on the evidence we have heard, the grizzly bear population in the Yukon appears stable, and the harvest of bears is well within sustainable levels.

**Speaker:** Are there any petitions to be presented?  
Are there any bills to be introduced?  
Are there any notices of motions?

## NOTICES OF MOTIONS

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

THAT this House urges the Yukon government to live up to its legal obligations for financial transparency and accountability including:

(1) immediately tabling the Public Accounts for the 2022-23 fiscal year, which the Minister of Finance was required by law to table no later than October 31, 2023; and

(2) immediately providing the Official Opposition and the public a copy of the full report done by Ernst & Young Orenda Corporate Finance Inc. regarding the financial management of the Yukon Hospital Corporation, which was done under a \$300,000 sole-source contract approved by the Premier against the advice of government officials.

**Hon. Ms. McPhee:** Mr. Speaker, I rise to give notice of the following motion:

THAT this House thanks the Yukon Hospital Corporation for hosting their annual public meeting on October 25 to:

(1) share the 2022-23 Yukon Hospital Corporation year in review;

(2) share the audited Yukon Hospital Corporation consolidated financial statements as of March 31, 2023;

(3) provide an overview of the corporation's financial highlights, accomplishments, and challenges this year; and

(4) provide Yukoners with the opportunity to engage with the corporation.

**Hon. Mr. Pillai:** Mr. Speaker, I rise to give notice of the following motion:

THAT this House congratulates the Yukon on continued real GDP growth in 2022, with the second highest growth rate in Canada at 5.9 percent.

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

THAT this House congratulates John McConnell and the Victoria Gold team as recipients of the Viola R. MacMillan

Award for innovative financing of the Eagle Gold Mine development and production in the Yukon, which will be presented at the Prospectors and Developers Association of Canada conference in Toronto on March 5, 2024.

**Speaker:** Is there a statement by a minister?  
This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Nisutlin Bay bridge replacement

**Mr. Hassard:** Mr. Speaker, earlier this week, I asked the Minister of Highways and Public Works for an update on the budget of the largest capital project in the Yukon's history. When the government included this project in their budget planning, they projected that it would cost between \$110 million and \$125 million, yet last year when they signed the contract, it had grown to \$160 million. Since they awarded the project without the proper licences and permits in place, the contractor has sent in change orders. We have been told that the budget for this project now is around \$207 million.

Can the minister confirm what the current budget is for this project?

**Hon. Mr. Clarke:** Mr. Speaker, thank you for the opportunity to respond to this question again. The Yukon government and Graham Infrastructure LP have been negotiating a change order to reflect the impacts of the *Fisheries Act* authorization for the Nisutlin Bay bridge replacement project. Negotiations such as these are confidential because of their commercial nature and to maintain confidential positions. The Yukon government has done its due diligence in handling this matter and in mitigating risk due to the original *Fisheries Act* authorization.

Mr. Speaker, when the Nisutlin Bay bridge project was tendered, there was no reason to expect any significant deviation from similar previous *Fisheries Act* authorizations from the regulator, Fisheries and Oceans Canada. However, the Yukon government did receive a *Fisheries Act* authorization that had new restrictive limits to cumulative noise impacts on fish. Together, the Yukon government, Teslin Tlingit Council, and Graham Infrastructure LP have worked on an amendment to the authorization. This took time. This amendment was received in May 2023, at which time negotiations began between the Yukon government and Graham Infrastructure LP about a new schedule and work plan reflective of the authorization.

**Mr. Hassard:** Mr. Speaker, earlier this week and again now, the minister has admitted that they were negotiating a change order due to the fact that the government awarded this project without the proper permits and authorization under the federal *Fisheries Act*.

This is not a small, inconsequential change order, Mr. Speaker. We have been told that the change order and cost overruns could be worth somewhere in the neighbourhood of \$50 million. If that is correct, then we are talking about a change that is around 10 percent of the government's entire capital budget. This will significantly affect the Yukon

government's finances, so I think Yukoners deserve to know how much this change order will actually cost.

Can the minister give any sort of indication of how much this change order is going to cost Yukoners?

**Hon. Mr. Clarke:** Mr. Speaker, as I have indicated a number of times this week, negotiations such as these are confidential because of their commercial nature and to maintain confidential positions. These negotiations continue, and I am not going to engage in negotiations with the hard-working team for Yukon government and the officials at Graham Infrastructure LP on the floor of the Legislative Assembly. Of course, this information will become available to Yukoners when it is available.

**Mr. Hassard:** Mr. Speaker, as I said, we have been told that the project cost — the total cost now — for the Nisutlin bridge is well over \$200 million. I can appreciate that the details of the negotiations are confidential, but if the increases in this project are as large as we have heard, then they will have a big impact on the government's bottom line.

I will ask this: Has the government had any indication from the federal government that they will help cover the cost overruns, or will any cost overruns on this project have to be covered by the Yukon government alone?

**Hon. Mr. Clarke:** Mr. Speaker, thank you for the opportunity to speak about this incredible piece of important, vital infrastructure that we have in the territory right now — the Nisutlin Bay bridge — which the member opposite has indicated is nearly a \$160-million project of vital infrastructure, a connector of the Alaska Highway from the Lower 48 to our friends in Alaska of strategic importance that we are maintaining that link.

On the subject of strategic links and strategic infrastructure, another \$160-million project is for the Erik Nielsen Whitehorse International Airport over the course of the next two and a half fiscal years, also providing absolutely vital infrastructure for the Yukon.

We are also continuing to build the national trade corridors funding, north Klondike Highway project. As well, as far as big projects are concerned, we have the grid-scale battery project, which will come online next year. We have various other projects. It is an amazing time for infrastructure projects and I look forward to continuing to talk about all of these great projects, in contradiction to the tumbleweeds that occurred between 2011 and 2016.

### Question re: Physician recruitment and retention

**Mr. Cathers:** Mr. Speaker, the Liberal government has talked a lot about fixing the health care system, but unfortunately, things continue to get worse under their watch. One of their promises that hasn't been delivered is a walk-in clinic. The Minister of Health and Social Services originally told media that she planned to have a walk-in clinic open in the spring of 2022. A year and a half later, there is still no walk-in clinic.

Thousands of Yukoners don't have a doctor, and the government is fast approaching the January deadline for



opening a walk-in clinic that was set by the CASA. Is the minister confident that they will actually meet that deadline?

**Hon. Ms. McPhee:** Mr. Speaker, the opportunity for Yukoners to be served by a walk-in clinic in the City of Whitehorse is a tremendous opportunity. We have been working on this initiative for quite some time. I am sure the member opposite will no doubt draw our minds to the history of other attempts for this to be open. We're working now with our physician community to have walk-in clinic services available to Yukoners in Whitehorse by 2024, with plans to hopefully launch by the end of 2023.

We are currently dealing with some issues regarding the development of the space for the clinic. The clinic is set to be located, at least temporarily, at 9010 Quartz Road, with future plans to relocate it to a space in Mah's Point on 2<sup>nd</sup> Avenue. The development of the work with the physicians has been to help us design the clinic, what is needed, the staff who are needed, the financial impact, how the clinic should be set up, and what staff members will be needed to deliver those services.

**Mr. Cathers:** A long-time family doctor and emergency room physician who is also a former president of the Yukon Medical Association was recently quoted by the *Yukon News* sharing serious concerns about the state of the health care system. Dr. Tadepalli publicly stated that health care in the territory is on the "down slide and crashing".

One of the few actions that the Liberal government did take was to open the Constellation health clinic, which just celebrated its first year of operation despite opening without a single doctor. The only doctors this government has been able to find to provide any services there have been poached from other parts of the health care system, including medical clinics.

The Liberals are failing to attract new doctors. Instead, doctors are being spread thinner and the health care system is crumbling. Dr. Tadepalli said that there's "no hope" for a walk-in clinic, and a rising number of family doctors are wanting to quit. Why should people believe the minister this time when she says that they will open a walk-in clinic, or do they just plan to open it without any doctors?

**Hon. Ms. McPhee:** Mr. Speaker, thank you for the opportunity to address this issue on behalf of Yukoners. I won't address the comments made by the member opposite. I think they are inappropriate, frankly, in this Legislative Assembly.

Our plan is to hire a clinic manager, a medical office assistant — and they have each started work. An additional medical office assistant and two licensed nurse practitioners are in the final stages of being hired. One social worker posting is now closed and moving to screening and interviews. Additionally, there are three integrated health service nurse practitioner postings that are active in the Government of Yukon's job website.

We have been working with three medical professionals here in the territory to help with the design and to appropriately work through the staffing. For the physical space of the new clinic, we previously opened the Centre de Santé Constellation Health Centre, which is providing health care to a significant number of Yukoners. It is successfully operating and has

celebrated its recent anniversary. We have spent \$2.34 million getting that clinic available for Yukoners as well.

**Mr. Cathers:** The *Yukon News* quotes Dr. Tadepalli saying that there are "no takers" on the minister's plan for the hospitalist program. Worse, he feels that health care in the territory is on the "down slide and crashing". This government talks a good line about improving the health care system, but when respected local doctors use such strong language, it's a very bad sign about the real state of health care.

The Liberals have repeatedly failed to attract new doctors whom we desperately need and have neglected this area for years. Provinces, including Alberta and Nova Scotia, have taken action to fast-track foreign-trained doctors and nurses being able to practise. Nova Scotia accepts doctors trained in the US, UK, Australia, and New Zealand. They began this approach many months ago, yet despite the Premier's photo op with the Premier of Nova Scotia and the MOU, his government has done nothing to fast-track doctors from a short list of countries being allowed to practise and nothing to recruit them.

What is he waiting for and when will this government actually make changes to fast-track the licensing of doctors trained in the US, UK, Australia, and New Zealand?

**Hon. Ms. McPhee:** I am happy to address part of what was noted by the member opposite in relation to the hospitalist model, because it is an incredibly important opportunity to provide inpatient services to people who find themselves at the Yukon Hospital Corporation and the Whitehorse General Hospital.

In partnership with that corporation and the hospitalist physicians, the Government of Yukon has been working to support a request to formalize what is the current hospitalist program — also sometimes referred to as "doctor of the day" at Whitehorse General Hospital. The Yukon and other jurisdictions are determined to properly resource the hospitalist program, and we are following the lead in many of those jurisdictions.

I simply don't accept — and I know Yukoners do not accept — the picture being painted by the member opposite with respect to how this government has responded to the issues, as I spoke about at some length yesterday, that are unprecedented with respect to the health human resources issues. Our doctors and the relationship here with the Yukon Medical Association is strong. We are working together on all of these important issues on behalf of Yukoners.

#### **Question re: Mineral staking in Na-Cho Nyäk Dun land use planning region**

**Ms. White:** The First Nation of Na-Cho Nyäk Dun and the Government of Yukon have been working to establish terms of reference and a memorandum of understanding in order to begin land use planning in their territory under chapter 11 of the *Umbrella Final Agreement*. One major sticking point between the two parties remains. At least four times since 2011, Na-Cho Nyäk Dun has formally requested a moratorium on mineral staking in the lands that are slated for planning until the land use planning is complete. Chief Hope most recently asked for this moratorium in July of this year.

The Na-Cho Nyäk Dun territory has been subjected to an immense amount of pressure from the exploration and mining industry in recent years. The more areas that are disturbed, the harder it becomes to establish the protection of sensitive lands.

When will the minister do the right thing and implement a moratorium on mineral staking in the Na-Cho Nyäk Dun land use planning region?

**Hon. Mr. Streicker:** Mr. Speaker, yes, we are working to begin regional land use planning with the First Nation of Na-Cho Nyäk Dun. It would be a portion of the northern Tutchone regional planning area. Yes, we are in dialogue with Na-Cho Nyäk Dun and talking with them about how things will start off. Also, we will acknowledge that Chief Hope has asked me about this position several times.

I will note that I took a look at the Dawson regional land use plan. What we did differently there from the Peel was that we withdrew the most sensitive areas right away. When a draft plan came in, we then withdrew everything that was identified through the planning commission as potential areas for conservation to withdraw then, and then finally, with the recommended plan, we did the same thing again, and we continue to be in dialogue with Na-Cho Nyäk Dun about how we will start land use planning together.

**Ms. White:** I will remind the minister that Na-Cho Nyäk Dun has formally requested the removal of this land four times since 2011.

When this government started the Beaver River subregional land use planning, the Yukon NDP warned this House that mineral claims would pop out of the forest floor — and we were right for Beaver River and, before that, in the Peel. While some of the claims in the Peel were eventually relinquished, there are still thousands of outstanding claims in the region, and it remains to be seen whether the holders will sue for loss of use. There are more claims in the Na-Cho Nyäk Dun traditional territory than any other region of the Yukon, and that number rises constantly. The Mayo region is seen as such an important mining district that the Premier even visited there with the federal Minister of Innovation, Science and Industry while the town was under an evacuation order this summer.

Despite the growing number of claims in the region, the minister refuses to work with the Na-Cho Nyäk Dun government and do the right thing: implement a staking moratorium. Why is the minister refusing to implement the moratorium on mineral staking that the Na-Cho Nyäk Dun government has repeatedly requested in their traditional territory?

**Hon. Mr. Streicker:** Thank you, Mr. Speaker. I am just going to say, through you, that the member is incorrect, and I hope that she is willing to correct the record. It is not correct. I was there with the Premier and the federal minister, and it was not anytime during the evacuation period, so that is not correct.

Second of all, with respect to the Peel, there was a lot of staking that was done, but what I will say is that 6,500 of the 9,000 mineral claims in the Peel have been relinquished or exchanged for non-monetary compensation — or lapsed. As we work through the Dawson plan, we haven't seen — the way in

which we approached it, we haven't seen that same challenge. Again, ongoing conversation with the First Nation of Na-Cho Nyäk Dun — I appreciate their position, and we are in dialogue directly with them and looking forward to beginning that planning process.

**Ms. White:** In trying to achieve a compromise, the Na-Cho Nyäk Dun has offered a much smaller area, the Stewart River watershed, to be subject to the moratorium, rather than their entire traditional territory. Still, the Premier has refused to action this request. Not only that, but his minister has refused to engage in good faith with the First Nation on the resource roads regulation and is seeking to undermine the Peel regional land use plan by filing a judicial review of the YESAB decision on Michelle Creek. The *Umbrella Final Agreement* isn't an optional piece of paper that this government can choose to ignore or forget when it's too hard or when it doesn't fit their agenda. It is a foundational agreement for our territory.

So, will the minister explain why his government is so unwilling to uphold the *Umbrella Final Agreement*?

**Hon. Mr. Streicker:** Okay, to begin with, I didn't hear the Leader of the NDP comment about the earlier one. I will say again that the Premier and I were in Carmacks — we were not in Mayo. Second of all, with respect to resource road regulations, I just reached out — you know, the First Nation chiefs, when they talk to me about the new mineral legislation, they have asked that we try to move faster. With respect to resource road regulations, some have said: Hey, you are moving too fast. What I said to them is: How about we keep going with the resource road regulations but we look for an opportunity to allow for — under successor lands legislation — to review it again so that I live up to their request to move more quickly.

What I will say for Yukoners is that, at every turn, we are working closely with First Nations. It doesn't mean that we always agree on all topics, but we are certainly there respectfully, and I appreciate the effort that First Nations have brought to new mineral legislation, to land use planning, to resource road regulations, and to all of these important initiatives to modernize our mining industry for a positive future for the Yukon.

#### **Question re: Dawson City recreation centre**

**Ms. Van Bibber:** On October 3 of last year, the Government of Yukon issued a press release that said construction of the new Dawson rec centre would start in 2024 and that the total cost would be around \$60 million. However, a CBC Yukon news article from April of this year said that the Mayor of Dawson estimated that the cost of their preferred design option was around \$75.3 million.

How will the government make up the gap in funding for the Dawson City rec centre?

**Hon. Mr. Mostyn:** Mr. Speaker, I am happy to talk about all of our investments in recreational infrastructure across the territory. There has been a substantial amount, thanks in large part due to the historic investment that the federal government has made into our communities across the territory, our willingness to make those investments on behalf of — and

to invest with the federal government in our communities — in their recreation and their sewer and water and everything else. The Dawson City rec centre is another example of this great initiative.

We currently have a rec centre in Dawson that is really dilapidated and isn't meeting the needs of the community — hasn't met the needs of the community for a very long time. We have seen the Yukon Party stop and start, hold faux sod-turnings on an impromptu basis with nothing to back it up, and then lead the community on for years and years, saying that: It's coming; it's coming; it's coming — it didn't happen.

We have made a commitment to the City of Dawson. We have backed it up with a commitment with the federal government to build a new rec centre for the City of Dawson. As I said in Committee of the Whole just this week, we are working with the community to make sure they get the rec centre that they not only want but that they can afford, and we're working on that right now. We're going to go to tender in 2024 for site prep, and that community is going to have their new rec centre.

**Ms. Van Bibber:** Mr. Speaker, last week, the Minister of Community Services told the Legislature that his department will be tendering the site prep for the new Dawson rec centre in 2024 and that construction will begin in 2025. In April of this year, the Mayor of Dawson told CBC Yukon that the shortfall in capital funding was the big stumbling block for this project.

Can the minister confirm that the Yukon government still intends to release a tender for the site prep for the new rec centre in 2024, and can he confirm when construction is planned to begin?

**Hon. Mr. Mostyn:** Mr. Speaker, I don't know if the mic is working, but just two seconds ago, I said: site prep in 2024, construction in 2025. We're working with the community on schematic drawings to make sure that they have the community rec centre that they not only want but that they can afford. This is important work. We are working with our municipalities. I have a very good working relationship with municipalities. I have spoken to the Mayor of Dawson on a regular basis. He has my phone number. We're constantly in conversation.

The fact is, Mr. Speaker, the Yukon Party did not deliver on a long-standing promise and led the community on. My good colleague the MLA for Klondike has been a really firm advocate for this project. It's a good project for the community and we're going to build that project. We have an investment commitment from the federal government.

The members opposite are laughing off-mic, but this is not a funny issue. This is leading on a community for years and years and years. They have long memories and they remember that. We're going to deliver on this project.

**Ms. Van Bibber:** The Mayor of Dawson has also pointed out that the yearly operating cost of the proposed new facility could be a problem for the municipality to afford. He said, quote: "... the city of Dawson knows we've recently moved forward with some serious rate increases and even with the increases, this new proposed rec facility is not necessarily something that can be afforded under the current tax and grant structure that Dawson City has."

What support is the Yukon government providing to Dawson to help them afford the new rec centre that the Yukon government has promised?

**Hon. Mr. Mostyn:** Mr. Speaker — old news. The member opposite is referring to a news article from April. I spoke with the mayor this summer. We have had many conversations on this very subject. As I said in my earlier answer not more than 45 seconds ago, we are working with the community to make sure that they have the community centre that they want and that they can afford. I have spoken to the COO of Dawson City, with the mayor and council. We have discussed this issue. They understand that they need to build a rec centre that they can afford. I understand that.

We are working with the City of Dawson to make sure that they get the replacement rec centre that they have long needed — and were led astray for years and years and years by the former government that led them intentionally along the line: It's coming next year; it's coming next year. It never showed up; that train never arrived. Well, we are going to deliver this project. We are working with the community, leveraging our good relationship that we have with municipalities to make sure that they get the rec centre that they need and that they can afford.

#### Question re: Dawson City daycare

**Mr. Dixon:** Mr. Speaker, in his very first promise as Liberal leader in the Fall Sitting of 2015, the MLA for Klondike promised to fund the construction of a replacement building for the Little Blue Daycare in Dawson. We are just a few weeks away of the eight-year anniversary of that promise, so I would like to ask the Minister of Education: How much funding is in the current budget for the replacement of the Little Blue Daycare building?

**Hon. Ms. McLean:** Mr. Speaker, I am happy to rise to speak about early learning and childcare in the territory and the investments that we are making in that regard. We have seen historic investments over this year alone. We are investing \$43 million in early learning and childcare throughout the territory. Certainly, Little Blue Daycare is a priority for us. In 2022-23, the society applied for and received CDF funding to advance the next steps of their building project, which involved hiring a professional contractor for the Little Blue design and cost estimates. That was a result of meetings that I had directly with their board.

The cost for this step was \$102,000, of which they received \$75,000 from the community development fund. The society committed \$12,500 and Early Learning and Child Care contributed \$14,500. In 2022-23, Early Learning and Child Care provided \$8,430 for further feasibility. I will continue on with my answer as we proceed.

**Mr. Dixon:** Mr. Speaker, I would remind the minister that it has been eight years since the MLA made that promise. Of course, she is correct that the committee has done the work and provided it to the Yukon government and is now looking for funding from the Yukon government.

Will the minister commit that next year's budget will include the full capital amount for the construction of a new Little Blue Daycare?

**Hon. Ms. McLean:** Mr. Speaker, again, our government is working closely with the not-for-profit society for the Little Blue Daycare. They have done a lot of work at the community level and we really did have to work toward ensuring that we had full, updated plans for Little Blue. There have been a lot of really great investments in early learning and childcare in the community. We now have a privately run daycare in the community as well. Of course, the Tr'ondëk Hwëch'in continue to run their early learning and childcare centre and Little Blue is, of course, a very important partner in delivering early learning and childcare in the community.

We have transfer payment agreements with all of them and will continue to support them. We are working with them on next steps in terms of the building of a new facility. I am happy that they have been able to do the groundwork to allow for a full decision.

**Mr. Dixon:** Mr. Speaker, I would point out that the minister was careful to avoid any sort of commitment around capital funding for this project. She is correct that the work has been done to develop the design and come up with the funding plan. Of course, now the request rests with the Minister of Education. The Minister of Education could decide to add to the capital budget and provide this funding to the community of Dawson if she chose to. The wait-list for Little Blue Daycare currently sits at 42 people. We have heard from the community that they have had to turn away doctors and nurses and other professionals because they simply can't provide childcare in the community. They have plans for a design and they have plans for staffing. They just need support from this Liberal government.

I would, of course, point out that the MLA promised this eight years ago next month. When will the Liberal government make good on the promise made by the MLA for Klondike eight years ago?

**Hon. Ms. McLean:** I am happy to speak about the historic investments that we are making in early learning and childcare in our territory. It is an exciting time. We have really lifted up a whole new initiative and change to early learning childcare in our territory. We have introduced universal childcare that includes subsidy to parents. Throughout the territory, we have increased accessibility. We have increased

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

**Speaker:** Order.

### Speaker's statement

**Speaker:** It's getting kind of loud in here when members are speaking. When members have the floor, please be respectful.

Minister of Education, please continue.

**Hon. Ms. McLean:** Thank you, Mr. Speaker.

Again, we are very proud of the work that we have been able to do. We are leading the country in terms of our

investments in early learning and childcare. Again, \$43.4 million this year and another \$515,000 investment into capital supports that develop data management systems and other initiatives, like wage enhancements for 500 early learning childcare educators, 77 licensed operators, including nine First Nation government-owned and -operated programs.

There are 2,251 licensed spaces in the Yukon. These are incredible statistics. I am happy to continue working with Little Blue, and we will do that good work in good faith with them.

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

## ORDERS OF THE DAY

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

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

*Motion agreed to*

*Speaker leaves the Chair*

**Chair (Ms. Blake):** Order. Committee of the Whole will now come to order.

The matter before the Committee is general debate on Bill No. 31, entitled *Fiduciaries Access to Digital Assets Act*.

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 (MLA Tredger):** Order. Committee of the Whole will now come to order.

### Bill No. 31: *Fiduciaries Access to Digital Assets Act*

**Deputy Chair:** The matter before the Committee is general debate on Bill No. 31, entitled *Fiduciaries Access to Digital Assets Act*.

Is there any general debate?

**Hon. Ms. McPhee:** Deputy Chair, I am pleased to welcome, with me this afternoon from the Department of Justice, the deputy minister, Mark Radke and as well, one of our senior policy analysts, Abdul Hafeez, who has worked on this legislation. I am very pleased to welcome them for assistance should it be needed for questions from the members opposite.

I do have some comments with respect to this bill, and I am very pleased. As I noted at second reading, the *Fiduciaries Access to Digital Assets Act* is an important opportunity to protect the rights of Yukoners. At second reading, I reviewed the proposed *Fiduciaries Access to Digital Assets Act* and

highlighted some key provisions. Today, I will address this bill in a bit more detail here in the Committee.

Hopefully, many of my comments, which aren't too long, will answer questions that might arise with respect to this bill and provide Yukoners with some additional information. The main purpose of the proposed legislation, as members of the Assembly may recall, is to enable fiduciary access to a person's digital assets after their death or incapacity and to prevent online service providers from confining or denying these access rights.

The proposed legislation will enable the Government of Yukon to align our legislation with the best practices of other jurisdictions and is based on the *Uniform Access to Digital Assets by Fiduciaries Act* from the Uniform Law Conference of Canada. The proposed legislation follows the traditional approach of trusts and estates law, which respects the privacy and intention of the individuals on behalf of whom fiduciaries act.

The context behind this bill and what it means for Yukoners is important to fully understand the legislation that is proposed. One of my priorities, and indeed my responsibilities as Minister of Justice, is to provide effective protections to Yukoners, and one of the ways that we are meeting that goal today is by introducing legislation that is adaptive to the evolving needs of our society.

The proposed legislation has been designed with the aim to strike a balance between affirming a fiduciary's rights to fulfill their legal obligations and upholding respect for the privacy and the wishes of the respective individual or the person who, we could say, owns the digital assets.

The Government of Yukon is taking proactive steps here with this legislation to affirm the usual powers of fiduciaries to access assets of a deceased or incapacitated person without restriction on whether the asset is a tangible or a digital property, clearly recognizing the importance of digital property in our modern world. The Government of Yukon is pleased to move forward with this legislation, as it aligns with our commitments to continue modernizing our legislation and ensuring that the needs of current and future Yukoners are met.

I am just going to draw the attention of the members to the specific provisions of the bill. The act facilitates fiduciaries' access to digital assets in order for them to properly administer the property of the individuals on behalf of whom they are acting. It defines the fiduciaries who are covered by the act, such as a personal representative, maybe a guardian, an attorney appointed for an account holder, a trustee, and the public guardian and trustee under specific circumstances. The act also clarifies that the rights of fiduciaries to act are subject to terms mentioned in the instrument that empowers the fiduciary. Those instruments are commonly known as different types of instruments but commonly could include a will, an order appointing a guardian; it could be a power of attorney; it could be letters of administration; it could be an instrument creating a trust; or it could be a court order. This is important for ensuring that the wishes of the individual are respected.

The act applies to appoint fiduciaries or instruments that take effect before or after the act comes into force. The

proposed act does not apply to an employer's digital assets that an employee has used during the time of their employment or during their work. The act also clarifies that the legal duties imposed on the fiduciary for tangible property also apply to digital assets, so it includes those two things as equivalent.

If this legislation passes, which I sincerely hope it does on behalf of Yukoners, a provision in a service agreement from an online service provider would be unenforceable against a fiduciary if it limits the fiduciary's access to a digital asset. There is an exemption to this: when that limitation has been expressly agreed to by the original account holder through an affirmative act that is separate from the account holder's assent to the general terms of a service agreement.

We have all signed up and said that we have read the tiny print and hundreds of pages with respect to signing up for an account, but it can't be a default position in this situation; it must be an express agreement by the original account holder that this legislation, or legislation like it, does not apply.

The legislation imposes an obligation on a custodian of digital assets to provide access to a fiduciary with a right of access under the act. The act establishes a process for fiduciaries to request access to digital assets and specifies the documentation that is required to be provided as part of that request to prove that the fiduciary has the legal authority to access those assets in the interest of the deceased or incapable person. One might draw an analogy to what is required for a fiduciary, for instance, to have access to someone's bank account and what documents need to be presented to the bank in order for them to understand and accept that the fiduciary is acting pursuant to their requirements and pursuant to the wishes of the individual whose assets they are accessing.

The act also allows a fiduciary to apply to the court for direction, and it affirms that custodians who comply with the act will not be subject to liability when granting access to digital assets.

I am pleased to present the *Fiduciaries Access to Digital Assets Act* as one component to meet the evolving needs of all Yukoners. Our modern world requires us to respond. Our government is taking these proactive steps toward ensuring that fiduciaries are able to fulfill their legal obligations without interference and that the digital assets of a deceased or incapable person can be managed properly with the utmost respect to their wishes and their privacy.

I look forward to responding to any questions, and I appreciate the time to review this bill.

**Mr. Cathers:** Deputy Chair, I do not have any additional questions, at this point. I do thank officials for the information that they provided at the briefing, and we do support the concept of this legislation. So, with that, I will wrap up my comments here, and my understanding is that I don't think that the Third Party has questions either, so this will likely be a brief appearance this afternoon.

**Ms. Blake:** Deputy Chair, we do not have any questions about this legislation, and I would like to thank the officials for their work in bringing this forward, and the NDP will be voting in favour of this important legislation.

**Deputy Chair:** Is there any further general debate on Bill No. 31, entitled *Fiduciaries Access to Digital Assets Act*?

**Mr. Cathers:** Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 31, entitled *Fiduciaries Access to Digital Assets Act*, read and agreed to.

**Unanimous consent re deeming all clauses and the title of Bill No. 31 read and agreed to**

**Deputy Chair:** The Member for Lake Laberge has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 31, entitled *Fiduciaries Access to Digital Assets Act*, read and agreed to.

Is there unanimous consent?

**All Hon. Members:** Agreed.

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

*Clauses 1 to 10 deemed read and agreed to*

*On Title*

*Title agreed to*

**Hon. Ms. McPhee:** Deputy Chair, I move that you report Bill No. 31, entitled *Fiduciaries Access to Digital Assets Act*, without amendment.

**Deputy Chair:** It has been moved by the Member for Riverdale South that the Chair report Bill No. 31, entitled *Fiduciaries Access to Digital Assets Act*, without amendment.

*Motion agreed to*

**Deputy Chair:** The matter now before the Committee is continuing general debate on Vote 3, Department of Education, in Bill No. 211, entitled *Second Appropriation Act 2023-24*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

**Bill No. 211: Second Appropriation Act 2023-24 — continued**

**Deputy Chair:** The matter before the Committee is continuing general debate on Vote 3, Department of Education, in Bill No. 211, entitled *Second Appropriation Act 2023-24*.

**Department of Education — continued**

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

**Hon. Ms. McLean:** Deputy Chair, I am pleased to rise in the House once again to speak to the Department of Education's first supplementary budget for 2023-24. I would like to welcome our officials here from the Department of Education. We have Deputy Minister Mary Cameron and our director of finance, Andrea McIntyre.

I have already given my opening comments in regard to our supplementary budget, so I will just cede the floor to my colleagues.

**Mr. Kent:** I thank the minister and welcome her officials, as well, to the Legislature today to provide support.

I will jump right in. In Question Period today, my colleague the Leader of the Official Opposition asked about a capital commitment for the Little Blue Daycare in Dawson. I will, of course, be sharing those transcripts from Question Period with the organization once they are ready, but I just wanted to follow up with the minister.

My understanding is that the organization has gone through all the outstanding process and asks from the government for them with respect to design, and now they are at a place where they will be looking for a capital contribution from the government. Is that something that they can expect to see in the spring budget — the 2024-25 budget?

**Hon. Ms. McLean:** I am happy to rise again to speak about the work that is happening in early learning childcare. I am well aware of the file as it relates to the Little Blue Daycare in Dawson City. As I stated today, we have had a lot of interaction and have worked closely with the society over the last — since I have become minister, and I know the previous minister before me had dealings with Little Blue.

Since I have become minister, we have moved forward on a number of steps. There was a lot of work that needed to be done to update the plan for Little Blue. Much of that work has happened. The work relating to the Little Blue Daycare involves a number of government departments, and we are continuing to have those discussions with the departments that are working directly or indirectly with Education as the lead in working with the community. Those discussions are ongoing.

The member opposite knows quite well the process in which we work within Management Board and how determinations are made in regard to budgets and updating capital planning — we now have a five-year capital plan — and the work that goes into ensuring that we are working within the government budgeting process to make those decisions at the Cabinet level.

We will continue, as I stated today, to work with the Little Blue board and their staff to ensure that all of the information that is required is contained within their feasibility and planning. There will be more to be said as this file proceeds.

Again, our government is very committed to early learning childcare in our territory. We have made huge strides to make the right investments in this important part of our population — our littlest Yukoners, so we're very proud to share that Yukon educators have been awarded — sorry, I'll go back.

In 2023-24, the budget for early learning and childcare is just over \$43.4 million, with another \$515,000 invested in capital to support the development of data management systems. Among other quality initiatives, the funding supports wage enhancements for more than 500 early learning and childcare educators and 77 licensed operators, including nine First Nation government-owned and -operated programs.

As I stated today, there are 2,251 licensed spaces now available to families and their children in the territory. There

are 1,856 children and their families who were benefiting from universal childcare as of July 2023, with a savings of up to \$8,400 a year for each child enrolled in licensed programs.

Deputy Chair, it is important that you look at the whole context of how we are investing in early learning and childcare in terms of affordability, accessibility, and quality. Clearly, this is a huge priority for our government and we will continue to work with Little Blue to further develop the project that is very meaningful and important to the community and the City of Dawson.

**Mr. Kent:** Just to be clear — just so that we can send the information up to the society — there is nothing else required from them. The minister mentioned that there are a number of departments involved in this project. I am assuming Health and Social Services and Highways and Public Works, obviously, because I understand that it is going to be a multi-purpose space that they are looking at.

As was mentioned in Question Period today, I think that there are 42 children on the wait-list for that facility. Again, just so we can pass this on to the society up there, there is nothing else that the government is looking for from the society with respect to this project. It is now a decision for Management Board whether or not it gets funded in the next budget or put into the five-year capital plan.

**Hon. Ms. McLean:** We will continue working directly with the Little Blue Daycare through their board and through our staff and officials from Government of Yukon. There are a number of departments that are involved in this particular file. The most recent communication, from my view — we are not looking for any additional information at this point. That may change because we are working with multiple departments, but that will be something that I will communicate directly with Little Blue if further information or something needs to be clarified. We will continue to work with them.

In terms of a wait-list, I will go back and check on that particular statement that was made by the member opposite. In terms of the wait-list for Little Blue, I will go back and check on that, because I shared with the Legislative Assembly today in Question Period that there are now three operating early learning and childcare centres in Dawson City: one that is privately owned, the one that is operated by the Tr'ondëk Hwëch'in First Nation, and, of course, Little Blue. I will go back and check on that and work, of course, to — I know that our team with Early Learning and Child Care within the Department of Education is in pretty constant communication with all of our licensed operators, and we will go back and check on that and work with them if they need assistance from the Department of Education.

**Mr. Kent:** That number of 42 on the wait-list was the number that was provided to us by the society. If it has changed, certainly that information would come from them.

I do want to move now over to something else that has been raised with us over the past number of weeks since Education was last up. On page 3 of the minister's mandate letter from the Premier, it says that the Minister of Education would be: "Working to increase student safety by developing and implementing school safety and transportation plans." A very

important part of school safety is a functioning PA — or public address — system. Obviously, if a school has to go into lockdown or if there is something that the entire school population has to be notified about very quickly, a functioning PA system is very important.

From this past weekend's Association of Yukon School Councils, Boards and Committees meeting, I understand that there are seven schools that do not have functioning PA systems or don't have a PA system at all. I know that the minister was in attendance at that meeting. I am wondering if she has had an opportunity since then to address that with her colleague the Minister of Highways and Public Works and get a work plan in place to either fix or install those PA systems that aren't functioning as part of the work to increase student safety that was put in her mandate letter.

**Hon. Ms. McLean:** It's very important that school staff are able to communicate effectively during emergencies and during regular programming. We completed upgrades on public announcement systems at Elijah Smith Elementary School in 2018, Grey Mountain Primary in 2019, Holy Family Elementary School in 2021, and the Khàtina.àxh Community School in Teslin in 2022. We also upgraded the public announcement system at the Porter Creek Secondary School and St. Francis of Assisi Secondary School in 2019-20.

Recent upgrades of the Del Van Gorder School public announcement system have been completed. We have also, during the summer of 2023, upgraded the public announcement system in the Carcross Community School. Education has maintenance contracts in place to troubleshoot and repair any public announcement system deficiencies reported by the schools.

Work is ongoing at the Elijah Smith Elementary, Porter Creek Secondary, St. Francis of Assisi, Selkirk, and Christ the King Elementary schools to address any potential system errors and source parts as needed.

Yes, I was in attendance at the meeting over the weekend with the Association of Yukon School Councils, Boards and Committees and this was an item that was raised there. We are working closely between the Department of Education and Highways and Public Works to ensure that we are rectifying any issues with public announcement systems. As I stated, it is very important that school staff are able to communicate effectively, especially during emergencies but also during regular programming in the schools.

**Mr. Kent:** Is there a timeline that we can provide to those schools that either have a PA system that is not functioning properly or don't have one at all? Is there a timeline that we can provide to them as to when those systems will be in place — recognizing, of course, that the department has to work with the Department of Highways and Public Works presumably on getting that work done? This is something that we would like to inform those school communities about — when they can expect functioning PA systems in their schools.

**Hon. Ms. McLean:** We are working directly with each school community, so I don't believe that we need to rely on the member opposite to communicate with the schools. I believe that this work is ongoing.

As I have stated, we do have contracts in place to troubleshoot and repair any public announcement system deficiencies that are reported by schools. I think that is the main thing — that they need to be, of course, communicating early and quickly to the Department of Education so that we are aware of any issues directly that they may be having with these systems. We will be working directly with each school community to address any issues that they are currently having.

**Mr. Kent:** We will continue, in the opposition, to meet with school communities and address their concerns and bring them forward to the House. I won't get into that anymore with respect to that comment by the minister.

I wanted to move over to the École Whitehorse Elementary School replacement, which is in the five-year capital plan and is scheduled to be done. Earlier in this Sitting, we asked about a contract with a consultant who was determining where on the Takhini reserve the school could go, whether or not the existing Takhini school would have to be torn down, or whether or not other locations needed to be chosen.

I guess my first question for the minister is: When can we expect that consultant report to be finished and when will it be made public?

**Hon. Ms. McLean:** This is an important project for the Department of Education in terms of upgrading infrastructure, and the commitment to build and replace this particular school is a high priority for the Department of Education and for our government overall.

In August 2023, Kobayashi and Zedda Architects Ltd was awarded the prime consultant contract for the École Whitehorse Elementary replacement project through a public tender. A preliminary site assessment is currently underway. That is the phase we are in. I am unable to give you a definitive timeline around that. Of course, we would like this work to be done as quickly as possible to move into phase 2. The contractors will work, then, on a traffic study, which will be conducted to report on local impacts of the development. Pedestrian safety, traffic access, and egress from the site will also be assessed.

Again, we are working in a phased approach, and as soon as I am able to bring that information forward to our partners and then, of course, to the public, we will do that as quickly as we can. Moving forward on this project is very important and timely and a priority for our government.

**Mr. Kent:** I just wanted to confirm that, in that consultant contract that is underway right now — and we brought this up in Question Period earlier this Sitting — located in there is whether or not to tear down the Takhini Elementary School to accommodate the new school on that land reserve and whether or not the contractor has been asked to consider other potential locations for the school beyond the Takhini reserve, because as members know and as the public who have been following this issue know, the government has been quite adamant that this is the only site that is suitable, that Takhini land reserve, which, of course, contains Takhini school and three Softball Yukon ball diamonds that they use for slo-pitch and softball tournaments and league play here in the territory.

Again, I just wanted to make sure that I have this information correct. Is the teardown of Takhini school being

contemplated by the contractor? As well, is the contractor being asked to consider other locations outside of the Takhini educational land reserve?

**Hon. Ms. McLean:** I have had the opportunity this Sitting, and during the last Sitting, to have a lot of discussion around the replacement of École Whitehorse Elementary. The Takhini educational land reserve is a very large parcel of land. It is serviced, is appropriately zoned, and provides a central location that has better access to greenspace, which is desired, of course, for modern learning. An initial step in the work is to identify potential locations for the future school on the Takhini educational land reserve, at which point engagement with the First Nation School Board and Softball Yukon will occur. Engagement then will happen with the broader community and partners.

In terms of the contractor that is currently doing the work around the preliminary site assessment — which I have already stated, of course — is underway. We, of course, wanted to give them as much scope as we could to assess the entire property for the building of this new school, and that is currently underway. They will bring back the options to us, and then decisions will need to be made.

Again, this is a large educational land reserve that can accommodate two schools, which is why it was chosen. Currently, the contractor is looking only at the Takhini educational land reserve.

**Mr. Kent:** Deputy Chair, I guess we'll wait until the contractor produces that report and it is made public, and then we will have an opportunity to check out what their recommendations are with respect to tearing down the existing Takhini school or possibly considering other locations or whatever those recommendations may be.

I do want to move over to other capital plans for school replacements in Whitehorse. The document that I have is dated April 14, 2022. It's entitled the "Whitehorse school replacement ranking update". There are 16 schools in the Whitehorse area that are ranked in terms of when they need to be replaced. Some of the older ones are obviously — the top five are: Whitehorse Elementary — that we were just talking about, as far as being potentially relocated and a new facility built in Takhini — the second one is Selkirk Elementary, followed by Takhini Elementary, Wood Street Centre, and Christ the King Elementary.

Does the minister have a plan going forward? Are we looking at replacing or renovating one of these schools every couple of years — every three years? What is the timeline and the plan going forward to address — let's just focus in on those five schools, because I think they had, obviously, the top five rankings, as far as the Whitehorse area schools. So, again, Whitehorse Elementary, we know, is under consideration for replacement, followed by Selkirk, Takhini, Wood Street Centre, and Christ the King Elementary. I'm just looking for an update on what those school communities can expect for timing to address their schools.

**Hon. Ms. McLean:** We continue, of course, to work with school communities on planning for their short-, medium-, and long-term facility needs. The Government of Yukon's five-



year capital plan includes school replacement and renovation projects to ensure that all buildings are safe and suitable for many years to come. We are, of course, pleased that work is underway on new schools in Whistle Bend and Burwash Landing. Planning has started for the replacement of École Whitehorse Elementary School. The Government of Yukon's five-year capital plan also includes experiential learning spaces. In the 2023-24 fiscal year, experiential learning spaces are being constructed at St. Elias Community School, J.V. Clark School, Tantalus Community School, and Jack Hulland Elementary School.

Capital planning decisions are made based on current information and facility assessments, supplemented with educational programming needs and emerging enrolment trends and pressures. Engagement with the broader Whitehorse community and partners took place this spring. The public had access to an online survey between March 14 and May 15, 2023. Public open houses were also held throughout April. Additionally, there were direct e-mails and letters sent to all Whitehorse school councils inviting them to meet with the public engagement specialist to hear their feedback and participate, as part of the Whitehorse school capital planning public engagement. There were a number of schools that did participate in that and accepted the invitation.

The results of the public engagement are now available in the form of a "what we heard" report, which can be accessed at [yukon.ca](http://yukon.ca). This feedback will inform future planning for Whitehorse school renovations and replacement. We will continue to have conversations with school communities — and, of course, the two school boards — about facility needs, as we plan for future school projects. All of the schools that the member has referenced are part of our work with school councils, school communities, and/or school boards.

**Mr. Kent:** In the spring, Christ the King Elementary School Council wrote a letter to the government with respect to seismic upgrades to their facility. I am just trying to get a sense for where they rank in the overall priority list for replacements.

In the school rankings that we were just talking about, they are currently fifth. I am wondering if, subsequent to that letter, any meetings between the minister or her officials took place with the school community just to talk to them about the seismic and, I believe, energy efficiency upgrades that they were looking for to the existing facility, while they wait their turn for a new facility to be built.

**Hon. Ms. McLean:** We continue to work with school communities on planning for their short-, medium-, and long-term facility needs. I have met with the school council, along with our officials, and the deputy minister has had at least two subsequent meetings with the school community directly to work through the issues that were raised in the letter at our meeting. The work is ongoing.

The Yukon government takes great pride in maintaining school buildings. The safety and well-being of children in our schools is always our highest priority. Christ the King Elementary School, of course, as the member has noted, is one of our older schools, built in 1960, with an addition added in 1965. Highways and Public Works is aware of the issues raised

this past spring about Christ the King Elementary School's seismic retrofit and capital infrastructure investments.

Highways and Public Works regularly assesses schools, and if potential structural issues are identified, we immediately address them. Over the years, we have invested in the maintenance of Christ the King Elementary School and we will continue to do so throughout the life of the building — meeting directly with the school council. We have had at least three meetings, one of which I was part of, and our deputy minister continues to meet directly with the school community. I will just end there.

**Mr. Kent:** I appreciate that update from the minister on the concerns raised by Christ the King Elementary School Council in that letter they sent in the spring.

I wanted to ask about the high schools. Number 15 and number 16 on the school rankings — or the two last spots — are occupied by F.H. Collins, as well as Paul-Émile Mercier Secondary, which, of course, is the francophone high school. Vanier Catholic Secondary is ranked 13<sup>th</sup> out of 16 and Porter Creek Secondary is ranked 10<sup>th</sup> out of 16. Of course, F.H. Collins and Mercier are two of our newest schools in the territory, so one would expect them, I guess, to be ranked lower on this list, but one of the concerns that they are facing — both of those schools — and we have also heard from Porter Creek Secondary School. My colleague the Member for Porter Creek North was at their council meeting last night. They are experiencing some overcrowding issues as well, similar to what F.H. Collins and Paul-Émile Mercier are experiencing.

I am just wondering if the minister can share any of the work that the department has done around projected attendance over the next number of years for those schools and what is planned. I know that F.H. Collins and Mercier have asked for portables. I understand that Porter Creek Secondary is seeking an addition to their school. I have not heard from Vanier — pardon me, it's St. Francis of Assisi Catholic Secondary School. I am just curious if the minister can share with us any plans for secondary schools. Obviously, the numbers that are coming up from the elementary schools are starting to grow. There are a number of French immersion kindergarten classes at Whitehorse Elementary and Selkirk Elementary that will eventually be feeding into those schools.

I am just curious about what long-term planning has been done with respect to the existing secondary schools and if there is any consideration being given to building another secondary school in Whitehorse to meet some of these population increases that we're seeing and some of the enrolment pressures that the school councils are now bringing up to us.

**Hon. Ms. McLean:** The Department of Education monitors school enrolment to help school administrators and school communities plan for changing trends and meet their short-, mid- and long-term needs. The school population is increasing and we expect it will continue to grow over the years to come. We are prioritizing work on long-term capital planning.

Of course, we have talked a lot about elementary schools today and the replacement of École Whitehorse Elementary and the new school in Whistle Bend, which will help to address the

enrolment growth on the elementary side in the north end of Whitehorse. We have added, of course, portables to Hidden Valley Elementary, Selkirk, and Golden Horn. If enrolment at a school nears program capacity, we work with the school administrator and council to find ways to accommodate all students. If needed, we work with families on a case-by-case basis to place students at other schools where space is available.

The Department of Education works with the two school boards — the First Nation School Board and the Commission scolaire francophone du Yukon — to assess their enrolment pressures and determine their long-term school capacity needs.

The department is working to address the short-, mid-, and long-term student enrolment growth by taking the following actions: in the short term, by consistent use of new attendance areas and sending students to other area schools if their grade level is full, and in such a case, transportation support is provided with busing and/or subsidy if school busing is not available; in the mid term, by adding portables to increase the number of classroom-sized spaces available and by monitoring attendance areas and the number of students who live in a school's attendance area to align with the school's enrolment capacity; and long term, by confirming approved projects through the Government of Yukon's five-year capital plan and continued long-term facility planning for schools through the capital planning.

In terms of school growth, school growth plans are a really important way to focus on student success and the impact on school-level strategies to improve student learning outcomes and engagement. Each school is responsible for developing and implementing a school growth plan that is reflective of the needs of their community and students. School growth plans are collaboratively developed with Yukon First Nations, school councils, school boards, school staff, and students. All schools include Yukon First Nation ways of knowing, doing, and being in their school growth plans, aligning cultural, language, and traditional perspectives with the curriculum and local priorities.

I think that some of what we are seeing now in the addition of those outdoor learning spaces and experiential learning spaces is a direct result of that level of collaboration.

We definitely work with school communities on ways that they can organize their building's learning spaces to meet the needs of their students and programs. We monitor all schools to help administrators and school communities plan for enrolment and needs for the short, medium, and long term. Modular classrooms are an option to address enrolment pressure in schools. Enrolment pressure is also a key element of the long-term capital planning process, which is part of what we are in now. We certainly are aware that there are pressures in terms of our Whitehorse-based high schools. We will continue to work closely with those school communities around short-, medium-, and long-term options for them.

**Mr. Kent:** Just for F.H. Collins school, which, I believe, has a request for a portable that goes back to last year, and they were expecting it in the 2023-24 budget, but then it was bumped from that budget. I believe that Mercier, as well, has requested portables.

I am wondering if the minister can give us a status on those two requests. Can those school communities expect portables to alleviate some of their population concerns for next year?

While the minister is on her feet — I know that she referenced short-, medium-, and long-term enrolment projections. I don't need it here today, but I am hoping she can return via letter or legislative return with what those projections are for whatever time horizon they go out to — for the Whitehorse area high schools in particular. If those statistics exist for other schools in the territory, we would welcome those as well.

Again, the first part of the question is with respect to the portable requests from Mercier and F.H. Collins, and the second part was just requesting whether the minister could provide us with those enrolment projections for schools in the territory.

**Hon. Ms. McLean:** We are well aware, of course, of the requests that have been made. Going back to part of my previous response is that we work in the short, medium, and long term. We are currently looking at short- and medium-term solutions for the school communities that have been mentioned here today by consistent use of new attendance areas and sending students to other area schools if their grade level is full — some of it is working a bit on a case-by-case basis — and by adding portables, if that is deemed the right solution for the school community and then looking at that long term.

Yes, we are monitoring enrolment in all schools to look at the students who are exiting — or student enrolment and the increases there but also students who are exiting grade 7 and then also the graduation rates throughout the Yukon — so, very carefully monitoring that. As I started out with, the Yukon's population is increasing, and we do expect that it will continue to grow over the years to come. We know that there will continue to be pressures on our schools. We are working to catch up on some of our infrastructure within the Department of Education throughout and will continue working closely with all of our partners around this, including our two school boards that we have in the Yukon right now.

Yes, we will continue to work closely with — we have been working with F.H. Collins and Mercier and will continue to work with them on the short-, medium-, and longer term solutions for their school communities.

**Mr. Kent:** I am sorry — I am not sure if I missed it, but I was hoping for a commitment from the minister to provide us with those enrolment projections for the schools. If she is able to do that when she is on her feet next, that would be great, understanding, of course, that she mentioned that those figures do exist and that the research is undertaken by the department. It would just be helpful for us to inform the various school communities that we talk to about the projected enrolment for their schools.

Moving over to the Whistle Bend school now, I have a few questions. The first one is: With enrolment for next year — you know, again, we understand that the school is going to be ready for students in the fall of 2024 — I am curious what the projected enrolment is for the school next year and when the staffing allocation will be set. I guess the final part of that

question is: What effects are the minister and the department expecting to have on neighbouring schools, such as Jack Hulland, when it comes to their population and their staffing allotment once Whistle Bend opens?

**Hon. Ms. McLean:** I am really happy to speak about the Whistle Bend Elementary School today. Its construction is underway and is expected to be completed in the winter of 2023-24. In preparation for the new school, a Whistle Bend school attendance area has been created. This attendance area is based on the city boundaries for the subdivision, plus portions of the previous Takhini Elementary School area, which is now being governed by the First Nation School Board.

The Whistle Bend Elementary School Council has a role guiding aspects of the school build and will assume regular school council duties, such as hiring a principal, which is currently underway. I would be happy to bring more information as it becomes available around this. Again, standing up a whole new school and school community is very exciting work that is underway, and we're really looking forward to the opening of this new school and also to see where and how other school communities may be impacted or not impacted. So, there's a lot more to come here.

In terms of the previous question around enrolment projections, we can share statistics that we have and any new information that we generate through our work on looking at the projections for student enrolment in schools across the territory.

**Mr. Kent:** Deputy Chair, I thank the minister. I look forward to getting those figures as far as projected enrolments.

Again, just back to the Whistle Bend school, as the minister mentioned, the Whistle Bend school council is up and running. I believe they are out to recruit a principal, as the minister mentioned, as well, but for them and for schools like Jack Hulland school which are going to be affected once the school opens, has there been work undertaken yet to determine what the enrolment numbers would be at Whistle Bend versus Jack Hulland and then potentially what the shift in staff might be looking like as well? I know that this is a question that has been raised at the Jack Hulland Elementary School Council meetings, and it's just something that we would like to get the minister on the record here today so that we can share that with them, as far as what planning is underway with respect to Whistle Bend school-opening population and then a potential decrease in population at Jack Hulland and if there are any other schools that may be affected as well.

**Hon. Ms. McLean:** Deputy Chair, thank you for the question. In providing consistent service levels in all schools, maximum class sizes are set in the collective agreement between the Government of Yukon and the Yukon Association of Educational Professionals. Staffing allocation is primarily based on student enrolment and class sizes. Our human resource staff are working closely with the union around the standing up of a whole new school and knowing that there will be some impacts to other school communities. Student enrolment has increased in recent years, and the department is working to ensure consistent service levels in schools and that effective, targeted support is provided for students with diverse

learning needs, for instance. While overall enrolment is increasing, some individual schools have decreased enrolment, which may have impacted their school staffing allocation.

This is specific, what the member is asking about — the new Whistle Bend Elementary School — and we are very live to all of the work that needs to be done there. Our human resource staff are working closely with the union around the staff-up and the enrolment for this new school.

**Mr. Kent:** As soon as information is available, the minister and the department, I am hoping, will share that with those school communities, including Whistle Bend, that are going to be affected once the new school opens next year.

I wanted to jump back to the minister's mandate letter for a little bit. One of the points that the minister has been tasked to do by the Premier is to work with school communities to determine the unique requirements of the students in their school.

Can the minister expand on that a little bit? What work has been undertaken with school communities? How many school communities? What sort of unique requirements are being flagged by the minister and the department for students in individual schools?

**Hon. Ms. McLean:** Deputy Chair, I think that a big part of our work is responding to the 2019 audit — the *Final Report of the Review of Inclusive and Special Education* and the Child and Youth Advocate *Review on School Attendance* — by supporting students and delivering timely and effective help for their learning needs. We continue to work with our partners and stakeholders to reimagine, reshape, and create schools that are safe, inclusive, and build on student strengths to ensure that every child feels connected and supported to thrive. This includes developing, for instance, a comprehensive mental health and well-being approach that aligns with the Yukon mental health strategy. The approach will include prevention and development and clinical responses and will improve connections to mental health and well-being supports provided by partners and stakeholders.

In November 2021, the First Nations Education Commission and the Advisory Committee on Yukon Education approved their reimagining inclusive and special education work plan, which addressed the review of inclusive and special education, as well as the Yukon Child and Youth Advocate *Review on School Attendance*. This work is guided by our collective efforts to transform the education system, address barriers to inclusion, and improve education outcomes for all students. We continue to advance initiatives in this work plan. It is guiding a lot of our work. We are also working with our education partners to support experiential learning opportunities in Yukon schools.

I wanted to just draw some attention to a key initiative that was launched in the fall of 2022, which is the Ready-to-Learn Schools, based on the ground-breaking work by Dr. Bruce Perry's neurosequential model. The program is grounded in understanding that children can only be ready to learn when they feel safe and calm. This model trains teachers and staff to be developmentally responsive to recognize that a child's chronological age may not match their emotional, cognitive, or

social age. Most importantly, it helps educators understand how developmental adversity impacts brain development, functioning, and learning.

This initiative empowers our teachers and school staff to understand, honour, support, and guide our children so that they are ready to learn as they travel along their own unique path. That is very important work that is underway and has been underway for some time. Over the last couple of years, we have been investing in a number of important initiatives. Several school communities offer experiential learning programs, which is another great example — Golden Horn Elementary School's great outdoor experiential school philosophy, which is weekly class blocks dedicated to providing students with challenge and achievement through academic, athletic, cultural, and social endeavours. This is a really important initiative, and there are many to draw on throughout all of our school communities.

Building on that, in our school capital planning projects, we have experiential learning spaces that will be developed at St. Elias Community School, J.V. Clark School, Tantalus School, and Jack Hulland Elementary School, so those are new investments that we are making to support school communities in their endeavours around experiential learning. There is certainly a lot of work happening around the learning network project that is really empowering school communities to explore different ways of meeting their unique needs within their school communities.

I had the opportunity, last year, to be able to experience presentations from all of those school communities that are involved in the learning network. We know, of course, that a lot of good work is going to come from that. In fact, that is how Takhini Elementary School led their way to the Ready-to-Learn project that now has been reshaping the culture of many of our schools, and we are working toward ensuring that Ready-to-Learn is in all of our schools.

This was a community of inquiry that was unique, initially, to the Takhini Elementary School and now again has become adopted as a move toward changing the culture in all of our schools. So, yes, those are some great examples of how we are working to address the unique needs of school communities.

**Mr. Kent:** I thank the minister for that. Maybe what I will do is either submit a written question or send a letter to the minister just trying to get a breakdown of which school communities have been worked with and, you know, how they were worked with, as well as what unique requirements of the students have been identified for each school in the territory that has been underway. I guess I will essentially be looking for a progress report on this specific point in the minister's mandate letter.

I do want to jump over to something that we have talked about in Question Period this Sitting as well, and that is the parent advisory committee. Initially, a parent advisory committee was set up for Hidden Valley school to deal with, I believe, the implementation of the safer schools action plan, as it related to that school. Then, in early September, the minister was on CBC Radio and was talking about transitioning that

parent advisory committee that was specific to Hidden Valley into a broader one that is for all Yukon schools.

Now, I think what I have been able to ascertain from the minister during Question Period is that it would be one committee for all schools — not one committee per school. I am just curious if the minister can tell us: Is this committee set up, and how is it representative of all of the schools in the territory? Many of the school councils that we have talked to are unaware of what this committee is doing and how their work sort of complements the work of the school councils. I am just curious if the minister can elaborate on that for us.

After I ask that question, I will be turning the floor over to my colleague from Takhini-Kopper King. I just wanted to once again thank the officials for attending here today. I look forward to the answer from the minister on the parent advisory committee for all Yukon schools that she announced on CBC Radio in early September.

**Hon. Ms. McLean:** Deputy Chair, I think I am going to go back a little bit to the other question. There are a few other things that I would like to just share around — happy to receive a letter from the member to define what is happening in schools, but again, our work is with the entire education system.

I wanted to talk a little bit about formal assessments as well, which really do determine specific needs of students. Student Support Services branch has reviewed its service delivery model and is now centralizing waiting lists for consultations and assessments. This prioritizes students with the most urgent needs in the 2023-24 school year. Regular training will be provided for learning assistance teachers and other school team members. This training will cover the school-based team process, collaboration with Student Support Services, and the assessment referral procedure.

I think that this is just an important aspect of the work that we are doing to ensure that we know what the pressures are in all of our schools and ensuring that we are getting those assessments done in a timely manner. Student Support Services has also contracted additional psychologists to help minimize the wait-list. Currently, we have standing offer arrangements in place with four private educational psychology providers — two within Yukon and two outside of the territory. These standing-offer arrangements are for three years.

Student Support Services is also actively working to establish a funding program that will enable the provision of financial assistance for private psychological assessments. This assistance will be extended to families and caregivers who have been waiting more than six months after consent forms have been signed. So, a lot of work around that whole area to get a good handle on the direct needs of children, and again, that is another way that we are working closely with school communities to ensure that we know what their needs are within their school communities.

Turning to the parent advisory committee, the Department of Education is in the early stages of transitioning the existing parent advisory committee at Hidden Valley Elementary School to a broader Yukon parent advisory committee. This allows for continuity, while expanding the scope to include feedback from parents at a territorial level. Forming a Yukon

parent advisory committee demonstrates our ongoing commitment to student safety. This initiative builds on the foundational work achieved through the safer schools action plan. We recognize that parents and guardians are essential partners in education. The committee will be a platform where parents can share their views and experiences to help make Yukon schools safer and to foster student well-being by bringing together parents and guardians from the three different school authorities in the Yukon.

The committee will offer a way to talk about safety issues that are Yukon-wide or unique to their community. This way, the Minister of Education and department staff can make well-informed decisions to improve safety for all students in the Yukon.

The Yukon parent advisory committee will maintain an open channel of dialogue with the Department of Education and with me, providing a platform for recommendations and discussions on next steps for enhancing safety in Yukon schools. Of course, we will continue to work with all of our educational partners, all school councils and school boards in the way that we normally do. This is an additional lens that I am seeking to have in place.

**Deputy Chair:** Would members like to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

The matter before the Committee is general debate on Vote 3, in Bill No. 211, entitled *Second Appropriation Act 2023-24*.

Is there any further general debate?

**Ms. White:** Deputy Chair, I would like to welcome the officials this afternoon and thank the minister for the conversations that she has had with my colleague leading up to now. My series of questions will be all over the board in large part because some questions have been asked and answered. I will just be building on some of those and then go in a different direction.

One of the first things that I would like to start with is the École Whitehorse Elementary School replacement and, most importantly, I would say conversation that has happened in Takhini, but that would be disingenuous. My neighbourhood continues to write letters to the minister and indicate their interest in being involved in this discussion. When will Takhini be involved in the École Whitehorse Elementary School replacement?

**Hon. Ms. McLean:** Deputy Chair, thank you for the question. Replacing École Whitehorse Elementary School is, as I have said many times, a really important project for the Government of Yukon and we are happy to be investing in our school infrastructure. As I have stated a few times, we have a

contract in place now with Kobayashi and Zedda Architects Ltd, as the prime consultant on the project. We are currently in the site assessment phase — working to identify the exact location of the new school on the Takhini education land reserve.

As we continue to progress, we will work with the First Nation School Board and the project advisory committee to address any potential impact, of course, to the Takhini Elementary School as well as the Takhini neighbourhood.

The project advisory committee has been formed to provide advice to the Yukon government on this project. This includes looking at ways in which a new school can meet community needs. The community has designated seats for members right now from the Whitehorse Elementary School Council, Whitehorse Elementary School administration, City of Whitehorse, Ta'an Kwäch'än Council, and Kwanlin Dün First Nation.

I have heard the questions regarding the community input to this project. If there is an association for the Takhini neighbourhood, I would be happy to appoint a person from an association to this committee. When the site analysis is complete and before the project progresses, the school community, Takhini area residents, the Association franco-yukonnaise, Canadian Parents for French, other stakeholders, and the public will be given ample opportunity to provide feedback. But I would be happy to appoint a person from a neighbourhood association or something equivalent so that the input can be taken directly at that level with the project advisory committee.

**Ms. White:** I am relieved to hear the minister say this. This is the first time in the many times that we have had the conversation that there has been the indication that a Takhini resident could sit on that committee. There was a notable absence when the minister was going through the list of people who sat on the project advisory committee talking about how it could affect the Takhini community without actually having a Takhini representative.

Interestingly enough, I would say that concerns around the school and that there was no involvement of anyone in the Takhini neighbourhood actually spurred the creation of the Takhini Neighbourhood Association, which in large part came up because people were not getting any kind of response or feedback. I will forward this part of the Hansard excerpt and assure the minister that, in its founding meeting, concerns around a new school were one of the founding reasons why the association started.

One of the other concerns highlighted around the proposed new École Whitehorse Elementary School on the Takhini education plot is the concern around the greenspace in that area and the fact that the Department of Education has not come out strongly against the possibility of a road having to go through McIntyre Creek.

Can the minister let me know if there is a plan to develop a road or access through McIntyre Creek for easier access to this proposed new school?

**Hon. Ms. McLean:** As I have stated, we do have our prime consultant in place now. They are in the first part of the

work. The preliminary site assessment is underway, and phase 2 of the contractor's work will include a traffic study and report on the local impacts of the development, pedestrian safety, and traffic assessment. The egress from the site will also be assessed at that time and, of course, traffic access — that is what I meant to say.

A lot more work needs to be done here in terms of that aspect of the work, which is, of course, a key consideration. We will want to work with all of our partners around this, and so that will be the next phase. Really, it's about identifying and making a decision about the location of the new school on the site, which will determine those next steps.

**Ms. White:** I thank the minister for that, but there seems to be a bit of a disconnect. Earlier this year, Yukon government talked about the development of Chasàn Chuà, which is the McIntyre Creek park, as an actual park area. It was a commitment in the Liberal platform in 2021 that it would be a park, and residents — because we have not been involved at all in any step of the process. No Takhini resident is on the project advisory committee; there has been no communication; there has been no public outreach; there have been no discussions led by the Department of Education or anyone else — contractors or any other players around the development of this school. There are big concerns that what this school will do will also put in the justification for a road through McIntyre Creek, which was an election issue actually back in 2011 and has been an issue ever since. I guess my encouragement to the minister right now is to ensure that the space back there that has been identified as being so valuable to so many people — that it is respected and doesn't have a road going through it.

Now that the minister knows that there is the Takhini Neighbourhood Association, how soon could we expect a member of Takhini to be able to sit on that project advisory committee?

**Hon. Ms. McLean:** In terms of the location that was identified — again, this is a long-standing education reserve and the big draw toward this is, of course, the size and that we will not have to do certain aspects of work for a brand new site. It's municipally zoned; the site doesn't need to be serviced — sewer, electricity, and all of that. These are important aspects, but including access to spaces for innovative, inclusive, and experiential learning is one of the big draws to this location, which is already experienced by having the Takhini school existing there. It's very important to have access to these types of lands and green spaces.

I will leave it there. The work is underway. We will be doing a lot more work around this once we receive our preliminary site assessment and then we will be in a better position to make decisions.

In terms of the project advisory committee, as soon as we are able to have a formal connection with the Takhini Neighbourhood Association, we will be happy to extend that invitation to them. As soon as the contact is made, we will follow up with an invitation.

**Ms. White:** I thank the minister for that. I would anticipate that she may have an e-mail before the end of the day tomorrow from that neighbourhood association.

In all fairness, the government made this announcement in the summer of 2022. It came out of nowhere. As the MLA for Takhini-Kopper King — and my colleague the Member for Whitehorse Centre — it wasn't anticipated. We were told that there would be updates and that this community would be kept aware of what was going on. To be honest, from my perspective and from where I'm standing, it has been pretty much radio silence, so when I'm asked by people and my neighbours — the people I represent and who live in and around the existing school and the proposed school area — the unfortunate truth is that there is not much that I can say because there hasn't been a sharing of information.

I am looking forward to seeing someone from my community — someone from the neighbourhood — being on the project advisory committee. I think that is going to be really important.

In one of the articles, it talked about how construction was expected to begin once the Whistle Bend Elementary School was completed. I think that this news article might be wrong when it says "fall of 2023", but can the minister let me know when the expected completion date is for the Whistle Bend Elementary School?

**Hon. Ms. McLean:** Deputy Chair, thank you for raising the concerns here today around the consultation and work around the replacement of École Whitehorse Elementary. I certainly will be bringing that feedback back to the prime consultant and the project advisory committee to ensure that there are more sessions and information available — as they become available — to the public and to the community.

In terms of Whistle Bend Elementary, construction is well underway; we are getting close to completion. It is expected to be completed this winter, with a start date of August 2024.

**Ms. White:** That is good to hear about that new school.

We had previously talked often about the need to update the sexual orientation and gender identity policy, so I was really pleased, with others, to see when that update was announced. I can see online that it says that the policy was updated on August 15 and it talks about what it was reflecting.

Why did the minister choose to have a press conference and to release this prior to the school year being started? I say this in terms of the Porter Creek Secondary School Gender and Sexuality Alliance that had really been actively involved in some of this work, and they weren't included in the announcement, nor did they have the chance to see the updated policy prior to its release.

Why was the decision made to have this publicly released prior to the school year starting?

**Hon. Ms. McLean:** This is part of a couple of steps here. We still have more work to be done on the sexual orientation and gender identity policy. We did the release of this, which was in alignment with a technical briefing that we had planned for a public briefing with media. This was work that was underway, and we had completed this particular review and wanted to ensure that we had enough time to provide the training and support to our school staff and administrators. It was not intentional to leave anyone out of this, but we really did want to have it in place for the start of the school year —

which we did — and to be able to provide the supports in a timely manner for the educators and the administrators who would be responsible for ensuring that these changes were integrated into the work and in preparing teachers for the upcoming school year.

This is an important part. This fits two portfolios for me, as the minister responsible for Education and for the Women and Gender Equity Directorate. We are fully committed to the ongoing implementation of the LGBTQ2S+ *Inclusion Action Plan*. We still have work to be done, and we have put in some supports, for sure, within the schools to further support the 2SLGBTQIA+ students. The Department of Education did do this update of its sexual orientation and gender identity policy as outlined in the *Inclusion Action Plan* in our work to implement and evaluate the updated SOGI policy. We will continue to engage with students, educators, and other members of the 2SLGBTQIA+ community.

As part of our SOGI policy review, we will look at the best ways to support schools to implement the policy in schools. Our recent partnership between the department and the ARC Foundation — a charitable foundation supporting SOGI-inclusion education practices in K to 12 school settings — has been established to implement the tools and resources of the SOGI 1 2 3 program to help create more inclusive schools for students and to support educators to implement the policy.

Schools with the support of the Department of Education, school councils, school boards, and the guidance of best practice from the ARC Foundation are developing school-based procedure guidelines — again, really working to equip schools with the supports that they need. We will be doing more work to continue to update this policy and to make sure that we are hearing all of the voices that need to be heard in this regard.

**Ms. White:** Can the minister just let me know what kind of education or support that administration and teachers were given prior to this school year with the announcement of the new updated SOGI policy?

**Hon. Ms. McLean:** At the beginning of the 2023-24 school year, the Department of Education provided professional development training to administrators and teachers on the requirements of the act, the SOGI, and the safe and caring schools policies.

School administrators have been provided with the information about their legislative responsibilities, of course, as well as reference materials and resources. Counsellors and administrators have been provided with local and national SOGI, gender, and sexuality alliance information. Several Yukon schools already have gender and sexuality alliances and other 2SLGBTQIA+ initiatives.

In terms of the work that we're doing with ARC, as I've mentioned, schools, with the support of the Department of Education, school councils, school boards, and guidance from the practice of the ARC Foundation, are developing school-based procedures and guidelines under the umbrella of the Department of Education's SOGI policy to ensure that 2SLGBTQIA+ students are treated with respect and dignity at all Yukon schools, which includes publicly funded Catholic schools.

Again, as the Minister responsible for both Education and Women and Gender Equity, I am fully committed to the ongoing implementation of the inclusion action plan. Much work went into this inclusion action plan with the community, and we are working to ensure that we are implementing all of these important actions. Updating the SOGI policy was one of them. There is still work to be done, which we are looking forward to doing with all of our partners, to ensure that we are hearing all of the voices that need to be heard. We will continue to support our school community, putting new tools and resources in place, like SOGI 1 2 3, and continuing to support them through training and other ways that the school community has identified to us.

Part of that session that we had was, again, another follow-up around spring 2022. The Government of Yukon was pleased to support the amendments to *Education Act* to promote equity and non-discrimination and to ensure that all Yukon schools have safe spaces for 2SLGBT students in the form of activities and organizations. So, part of that work that we did is a regular revisiting — the act changes and now, of course, new policy changes and the new tools and resources that we have put in place.

We will continue to work with our community to ensure that all voices are heard.

**Ms. White:** Deputy Chair, I thank the minister for that answer. How often are the Department of Education's protocols or policies updated?

**Hon. Ms. McLean:** Deputy Chair, the majority of our policies and procedures are either needs- or issues-based, and, of course, if we are in contravention of any legislative requirements or changes to law in the territory or otherwise, we will adjust our policies to be in alignment with that so that we are ensuring that our policies are aligned with those laws.

Again, the SOGI policy was one for which we had made that commitment. It was outdated; it needed to be updated, and that was the cleanup that we did with this particular policy, and we are continuing to have more discussions about further changes to that policy. There will be opportunity. Going back to the beginning of the questions today around this, around students and educators and other members of the 2SLGBTQIA+ community, there will be more opportunity, along with all of our other partners whom we are committed to working with on any changes to curriculum or policies that impact their school communities.

**Ms. White:** One policy, or lack of policy, that affects school communities is no policy specifically around sexual assault of students. The reason I bring this up is that I know that the minister, at the same time as I was, has been again contacted by a family who have lived through a sexual assault of their child in school and near school and the after-effects. I don't think that the House is unfamiliar due to the fact that this was a topic I brought up often in the spring, but it has been brought up again by the family. I went back to the letter that the minister sent me, so I sent a letter to the minister with my concerns — highlighting my concerns in February of this year — and highlighted to the minister that, under the *Education Act*, the minister must establish and communicate goals and objectives

for the whole Yukon education system, and those goals provide a framework for policies and procedures that support healthy, active, safe, and caring learning environments in Yukon schools.

I highlighted that there is no specific education policy regarding student-on-student sexualized assault. The student protection policy lays out what happens if such an event arises between an adult and a student, but there is no existing policy that clearly spells out what happens if harm occurs between students. The reason why I brought it up in the spring is that there was a real-life example, — and again, I have the consent to speak about it, and I am not talking about specifics — but a student who was victimized who then had to be in the same class with the assailant and then had to see the assailant in the hallways, and it seems to me that is something that is missing.

In response to my letter, the minister told me that the violence threat risk assessment protocol is something that would be used. It is interesting, because the *Yukon Education Violence Threat Risk Assessment Protocol* is actually from June 2013. It has a previous deputy minister, it has a previous commanding officer of the Royal Canadian Mounted Police, it has a different deputy minister of the Department of Justice and a different deputy minister of the Department of Health and Social Services, and actually a different president from the Yukon College. This is supposed to be a guiding document of what happens and how threats are viewed.

It says: “Protocol for Assessing Violence and Dealing with High-Risk Student Behaviours”, but even going through this, it didn’t really answer the question. Ultimately, what I am really just looking for — what families and individuals have been looking for — is just the assurance that the Department of Education will create a specific policy that deals with this. For example, it lays out for school administrators that a victim is not the person who is removed from the classroom or removed from the school — that it is not the victim who has to change all of their habits and all of their patterns, that they are not being revictimized. That’s really ultimately all I was looking for in the spring.

Going through what I was told answered those questions, it really doesn’t. So, when can we expect to see a specific policy created that deals very much with the concerns that I have highlighted?

**Hon. Ms. McLean:** This, of course, is a very important issue to me as well. I appreciate the questions being brought forward today. All students, parents, teachers, and other school staff have the right to be safe and feel safe in their school community. The comprehensive work on the safer schools action plan has highlighted other work that we need to complete to ensure that Yukon schools are safe and inclusive.

There is a need to proactively and responsively address concerns to student harm. Peer-to-peer harm is taken very seriously, and we commit to examining the need for stand-alone policy to address the issue. As we have completed that first stage of the safer schools action plan, this is where we have pulled our attention to.

As we did see in the safer schools action plan the creation of new policy and in light of the work and the concerns that

have been brought forward, this is, of course, the next place that we look to. If serious incidents occur in school, we follow emergency plans and response protocols. This includes working with the RCMP and other agencies, as well as providing support to families involved. I think this is also where all of the work that we have done on the sexualized assault response team comes into play, because we do have a progressive approach to working with victims of sexualized violence, and that includes young people, of course.

We have also developed communication guidance to support school administrators in providing clear and consistent communication to families. In addition, collaborative work has been done by Education and Victim Services in the development of guidelines and victim support plans to support victims of harm to feel safe at school. These are all definite considerations as we go forward.

I will again raise the sexualized assault response team as something that is in place now, and we are working to expand that into communities as well. School staff promote respectful and positive behaviours by providing welcoming and positive spaces for teaching and learning. The few children who come to school intending to be disruptive — it is up to the adults in the school to be sensitive to signs that a student may become dysregulated or demonstrate escalated behaviours.

The violence threat risk assessment training that was referenced here today is certainly something that we are looking at, as well, as we look forward into any stand-alone policies that are required.

**Ms. White:** I don’t know that I would say that sexual assault and disruptive behaviour are on the same line. There are plenty of — the challenge, I guess, that I have is that there are plenty of education policies that already exist, and the reason — I think we discussed this before — why they were important and good is because it laid out the steps, for example, that an administrator or school community should take.

So, if I look, for example, at the safe and caring schools policy, it lays out behaviours and consequences and it says who will do what and when. It’s clear. The purpose of the policy is to promote the safety of people in the schools to ensure that all members of the school community are treated with respect and dignity. It goes on and lays out the requirements.

There are education policies that cover a wide variety of things, from medication for students to French first language policies to after-school care policies. All of these things lay out what can be expected, but what’s missing in this long laundry list of policies is one that’s very specific.

I appreciate that the minister referenced the sexualized assault response team, but a policy would direct the administrator to contact the sexualized assault response team to help the school, for example, set up a safe plan for the victim. It would be clear. It would say, as an example, that it was not about removing the victim from the classroom but that it was about removing the assailant. It’s not about removing the victim from the school; it’s about removing the assailant from the school. A policy would lay out what those clear guidelines are.

Again, I am just going to urge — possibly plead and beg — the minister to hear the intent of what I’m saying, because it



is just about making things better for future students. The really unfortunate truth is that when I started talking about this, other cases have come forward, and there aren't those policies. I don't need the minister to tell me what exists right now. I have read through them all and none of them deal with this specifically. They talk about bullying. They talk about harassment, but harassment is not sexual assault. It's not the same. It's not disruptive behaviour.

So, I am just urging the minister that when we look at these policies or are creating these policies, this is one that is critical. It can be developed with the sexualized assault response team. It can be developed with people from Victim Services or women's organizations. It's just about putting in clear guidelines for administration and school staff to make sure that when an incident like this is reported as having happened on school grounds or out of school grounds — it doesn't matter; it still affects students — that it is dealt with in a way that we do not revictimize the victim.

In previous work, I know that the minister shares this feeling, so I will leave it; I will walk away from it, but I hope that there will be a press announcement in the future that talks about how this policy has been developed, because I know very specifically that there will be people who will be grateful for that leadership.

I am just going to put it here and I am going to walk away from it, but I will give the minister a chance to respond before I move to my next question — if she has anything she would like to say.

**Hon. Ms. McLean:** Deputy Chair, thank you for the comments. When I was referring to disruptive behaviour, I was talking about behaviour in schools in general — not about sexual assault or sexual violence. I was simply drawing attention to other types of behaviours that may happen in schools and how the violence threat risk assessment training recognizes signs and responds appropriately. We are looking at that whole approach as well.

Early in my comments to this, I expressed the importance to me, as the Minister of Education and the Minister responsible for Women and Gender Equity, of this work. It is not just the work that I have been able to work on within a political position, but it has been my life's work, really, in terms of safety for victims of violence — particularly women.

Peer-to-peer harm is taken very seriously. We commit to examining the need for stand-alone policy to address this issue. Will it be connected with the sexualized assault response team? That is work that we have spent many years developing and doing so with a whole-system approach to how victims of sexual assault and sexual violence are supported, and we will absolutely be drawing on all of that work. We are working closely with Victim Services now.

The point is well taken. I am happy to have the conversation today and to continue to commit to looking at the policies that we have within the Department of Education and how we can support children, our parents, teachers, and other school staff to be safe and feel safe and to be supported in their positions within our schools.

**Ms. White:** Deputy Chair, I thank the minister, and like I said, I look forward to the announcement of the creation of that policy that deals specifically with the situation we have talked about.

I'm going to move on to student transportation and just about fair funding for school transportation. In the school transportation regulations, under section 2, it says: "Transportation allowances", and it says: "Where a student resides more than 3.2 kilometres by the nearest passable road from the school he or she attends and resides more than 3.2 kilometres from the nearest loading point or bus route, the Department of Education shall pay a transportation allowance for transporting the student to the loading point."

That is going to be my starting point, because it's interesting. I would say, in the Yukon, that there are a lot of different situations in families, and students live in a lot of different places, and in some cases, they may be very close to school. They might just be outside of the allocated spot, and they might be nearby, but as an example, my little sister is building a farm at Fox Lake, and so that is just about 55 kilometres from town, and her entire household gets \$13 a day for her to get her kids into school. Interestingly enough, the two younger kids are in elementary school. The 16-year-old, however, is in high school, and as we all know, teenagers are a different breed.

The reason I want to bring this up is because there was a change that happened in 2004, and it talked about how section 2, prior to 2004, read — and I'll just read it. It says: "The amount of transportation allowance to be provided under subsection 47(2) of the *Education Act* in lieu of transportation shall equal the Government of Yukon car mileage rate payable to public servants to a maximum amount prescribed by the Minister."

The reason why that's relevant is that we all know in this Assembly that if we drive our vehicles, we are awarded a mileage, and it takes in wear and tear on the vehicle, and it takes in the cost of gasoline. Well, on April 28, 2004, there was an amendment that was made to both the *Education Act* and subsection 2(1) of the student transportation regulations, and now it says: "This Order may be cited as the *Student Transportation Allowance Order*." And "(2) The maximum transportation allowance payable under section 47 of the *Education Act* and section 2 of the *Student Transportation Regulations* is \$13.00 per day." So, in 2004, there was a full cut rate of what that cost was.

Interestingly — I have referred to it before, the Wayback Machine — but you can go on to Statistics Canada, and you can see that the cost for gas in 2004 was 93.4 cents a litre in the Yukon. I don't know what community that was in, but Statistics Canada tells me that it was 93.4 cents a litre. The federal government's rates, in cents per kilometre for the use of privately owned vehicles driven on authorized CRA business — which, if we are really going to talk about the federal government, you know, talking about the Canada Revenue Agency is probably a good spot to go. They are pretty good at minding their cents and dollars. They said that the CRA

business travel in the Yukon was 50.4 cents per kilometre in 2004.

The reason why I bring this up is that, when I wrote this letter — because gas prices have changed again. So, this was in July of this year. At the time, gas prices were \$1.839 per litre. The allowance for private vehicle use by a YG employee was 69 cents per kilometre, with a daily mileage rate of \$2.35. We know now that \$13 doesn't cover, for example, the mileage cost.

I use the example of a family living at Little Salmon Lake. So, prior to September 2004, they would have received \$64.50 a day to drive their student to and from school. Now they get \$13, which is based on dollars of the day, a difference of nearly 134 percent. The reason why I bring this up is because it is actually under the jurisdiction and the ability of the minister to change that.

Knowing that this was changed in 2004 when it was put to \$13 a day, is there an intention of the minister to update this? It is 19 years old at this point, and the price of gas has changed. Is there an interest or a plan for the minister to update this amount? If not, why not? If yes, when can we expect to see those changes?

**Hon. Ms. McLean:** It's an important discussion that we are having. We definitely know that transportation is high on everyone's mind all the time when it comes to ensuring that our students get to and from school safely and to ensure that we have reliable transportation. If families live more than 3.2 kilometres from the nearest school bus stop and the student goes to the catchment area school, they may apply for a transportation subsidy to offset the cost of driving.

We are reviewing the student transportation program to ensure that it supports the needs of families and those eligible for transportation allowances. We recognize that students with exceptional needs may require additional support, and we make every effort to accommodate students' transportation needs. I can tell you that this work is underway right now.

**Ms. White:** That is a delight. When can we expect that work to be completed?

**Hon. Ms. McLean:** The work, as I have stated, is underway now. I am unable to give you any definitive timelines. We have to work within all of our processes within government to ensure that we are doing the due diligence to ensure that we are looking at all of the angles of a decision to follow, of course, the government processes that we work within. I am happy to bring the information back to the member once decisions have been made and to further communicate with those who have outstanding requests with us.

**Ms. White:** Deputy Chair, I thank the minister for that. I guess one of the questions right now is that there are people who are caught in between this, and again, I don't think that it is going to be hundreds of families driving kids to school — I don't think that it is going to be like that at all — but who should a family or a caregiver contact if they live, right now, quite a bit further out than one would anticipate the \$13 to be adequate support to get children to school?

**Hon. Ms. McLean:** I am almost certain that, if there is an ongoing issue or request, the individuals will know this, but

I am happy to share with the Legislature today. Our director of operations is Chris Hanlin, and he would be the one to work directly with families and take those requests.

**Ms. White:** Fantastic. A big thank you to Chris ahead of time in case they get run off their telephone by phone calls, but I am sure that the minister is right and that it won't necessarily be the case. I am glad that we know whom we should call now if that's the case.

It was discussed by my colleague previously in October, but it has to do with the Hidden Valley play structures. I know that the department committed to installing them and now they are installed, but one of the things that I was told by the school council at the time was that they had to fund this year's smaller equipment piece because they didn't want to disappoint the children. They are hoping that the department will reimburse them for those costs.

One thing that they highlight, though, is that they feel very fortunate that they had the funds in their account. They were actually saving them for an outdoor learning kitchen facility, but they used those funds and then redirected them to playground equipment. They recognize that not every school council necessarily has that fundraising ability or that kind of money on hand.

My first question is: Will the Department of Education be reimbursing the school council for the piece of equipment that they paid for?

**Hon. Ms. McLean:** The Hidden Valley school community has a new playground, which includes three pieces of neurodiverse-inclusive equipment installed over the Thanksgiving long weekend. The replacement playground is now ready for students. This positive upgrade replaces the two previous 30-year-old wooden structures with equipment that is more inclusive and encourages outdoor learning and play.

The social, physical, and developmental benefits of the safe outdoor learning and play area are an important part of a child's education. The Department of Education works closely with school principals and school councils to make short-, medium-, and long-term capital plans for each school. We are continuing to work with the Hidden Valley Elementary School Council to plan for their school needs.

In terms of the specific question about reimbursement, I am unaware of any such request, but that being said, we will follow up with that school council to have that discussion with them directly.

**Ms. White:** I thank the minister for that. I will also encourage the school council to reach out, but based on an August 2 exchange with them, that is what they indicated.

They also highlighted that the concern around planning — knowing that the decision was made in 2019 that their playground equipment was unsafe and it was just going to be removed. There was no plan to put other equipment in. I know that there is a commitment to put in additional equipment for next year, but why was the decision not made to put it in the capital expenditures in this supplementary budget to make sure that the school had adequate playground equipment for that number of students who are in that school?

**Hon. Ms. McLean:** It is very important that we are ensuring that all of the support — and that the school communities are working well to ensure the greatest learning environment for students and staff and that the facility and outdoor needs are addressed. It is a priority for the Yukon government to continue to invest in school infrastructure and to ensure that our schools meet the demand of the unique school communities that they serve. The Department of Education is installing new playground equipment and did part of the work this fall. The assistant deputy minister spoke with the school council chair on July 25, 2023 to let them know that the department will be funding the installation of the procured playground equipment for 2023-24, as well as the playground and installation for the following year.

The commitments are there in terms of ensuring that this equipment is put in place. When I worked with the student advisory committee for Hidden Valley — I again met with them early in the school year. I was informed that the school year had started in a great way and that the school was really working in a good way. This wasn't even an issue that was raised with me by the parent advisory committee. I know that we are continuing to work with the school council. We will follow up on the conversations that we have had here today as well.

**Ms. White:** Seeing the time, I am just going to try to get a couple of questions in about TOCs.

The deputy minister, my colleague the Member for Copperbelt South, and I and others attended a meeting that was hosted by the Holy Family Elementary School. In attendance also was Selkirk Elementary School Council representatives. We had a really interesting conversation around teachers on call — temporary teachers, substitute teachers, or whatever we want to call them. What I heard directly from both of those school councils was that their schools are desperate. In the case of Holy Family, on average in a day, they are short-staffed by anywhere from 15 percent to 25 percent of their school teaching staff, whether it be teachers or educational assistants. They said that it was a real struggle to get teachers on call.

One of the things that I have heard has been floated about in other places is the discussion around supply teachers. A supply teacher, of course, is a teacher who doesn't have a designated classroom, but they are assigned a school. For example, if a school, on average, is missing five teachers each and every day, maybe the Department of Education decides that they are going to assign them three supply teachers, so that means three permanent teaching staff who are able to support and act in those fill-in roles.

Has the minister — and her officials, I guess — looked into supply teachers or a way to fill those gaps from the teacher-on-call shortage that we're experiencing here in the territory?

**Hon. Ms. McLean:** Great question. We are definitely looking into a lot of different options. That is something that we are prepared to look at, but we do have a current collective agreement. The current term is to June 2024. I think it is a great joint opportunity to collaborate with the association and the union through the negotiation process.

Deputy Chair, seeing the time, I move that you report progress.

**Deputy Chair:** It has been moved by the Member for Mountainview that the Chair report progress.

*Motion agreed to*

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

**Deputy Chair:** It has been moved by the Member for Klondike that the Speaker do now resume the Chair.

*Motion agreed to*

*Speaker resumes the Chair*

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

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

### Chair's report

**MLA Tredger:** Mr. Speaker, Committee of the Whole has considered Bill No. 31, entitled *Fiduciaries Access to Digital Assets Act*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 211, entitled *Second Appropriation Act 2023-24*, and directed me to report progress.

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

Are you agreed?

**Some Hon. Members:** Agreed.

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

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

**Speaker:** It has been moved by the Minister of Finance that the House do now adjourn.

*Motion agreed to*

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

*The House adjourned at 5:26 p.m.*