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HANSARD

Wednesday, April 6, 2022 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

YUKON LEGISLATIVE ASSEMBLY

2022 Spring Sitting

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

CABINET MINISTERS

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

OFFICIAL OPPOSITION

Yukon Party

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

THIRD PARTY

New Democratic Party

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

LEGISLATIVE STAFF

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**Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, April 6, 2022 — 1:00 p.m.**

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

Prayers

Withdrawal of motions

Speaker: The Chair wishes to inform the House of changes made to the Order Paper. Motion No. 379, notice of which was given yesterday by the Member for Porter Creek Centre, was not placed on today's Notice Paper as it is a duplication of Motion No. 378, already standing in her name.

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Streicker: I would like to ask all Members of the Legislative Assembly to please welcome guests who are here today for the tribute to Dan Kemble. It is a long list and I apologize to anyone if I have missed any names, but there are: Casey Kemble, Dan's little brother, and Virginia Smith, Amy Kemble, Serenity Jones, Dan Patterson, Jan Brault, Terri-Lynn Drineyer, Karin Jasma, Nathalie Parenteau, Lance Scoville, Cameron Good, Kirsti Devries, Kathy Dremeyer, Bradley Vanderlou, Byron Gilday, and Lori Eastmuire. There are also some guests who went to school with Dan in Carcross many, many years ago, in the 1970s: Joanne Macdonald, Rob Macdonald, Gerry Quarton, and Geoff Rushant. Please also welcome Dan's sons, Wesley Kemble, Vince Kemble, and Dan's lovely wife, Nancy Maides.

If we could welcome them all, please.

Applause

Speaker: Tributes.

TRIBUTES

In remembrance of Dan Kemble

Hon. Mr. Streicker: I rise today in the Legislature on behalf of all members to pay tribute to Dan Kemble. Dan passed away in an accident last summer while hiking along Pooley Canyon on Montana Mountain. Dan never sought recognition. He didn't speak about himself much, he didn't brag, but he certainly led a remarkable life.

So, let me remark on Dan's life, to share with Yukoners. I knew that Dan was a very capable carpenter who loved to salvage old materials, but I didn't know that he helped to rebuild the *SS Klondike* in the early 2000s. He also helped to refurbish one of the dredges in Dawson and White Pass' *Duchess* train engine. Dan worked on the restoration of the Herschel Island whaling station.

He loved the outdoors and, in particular, birdwatching. He loved the work on Herschel as he got to witness Arctic coastal birds and mammals — jaegers, bluethroats, Arctic loons, muskox, belugas, and Arctic foxes. I certainly knew that Dan loved the outdoors and birds. My pin today is a painting of a whiskey jack that Nancy's daughter, Jenny, painted in honour of Dan.

I knew that Dan contributed to his community. He was a councillor on the South Klondike Local Advisory Council, and he groomed the cross-country ski trails and coached the kids in Carcross for decades. But I didn't know that he was the fire chief for the Carcross Volunteer Fire Department for 20 years.

Dan also volunteered for EMS, search and rescue, chairing the local area planning committee, and the Carcross recreational board. I know he used to take the kids to cross-country meets in Whitehorse all the time. He cared about Carcross.

I knew that Dan had moved from Ontario to the Yukon at a young age. What I didn't know was that he travelled to the Yukon by jumping trains as a teenager. He landed at the alternative school in Carcross as a student. At Christmas, he hitchhiked to Keno to work in the mine for a bit. Before he was 20, he had built a cabin at Striker Pass, which he loved, I know. He chose Carcross as his lifelong home. He loved the area.

Dan was adopted into the Carcross/Tagish Ganaxtedi clan. He loved the outdoors and birds. Dan loved to paddle, hunt, ski, and play hockey outdoors down at Ten Mile. He loved hiking and he made many trips to birdwatch. For many years, Dan organized the Christmas bird count in Carcross. He was a member of the Yukon Bird Club from the 1970s when he first came to the Yukon.

I knew that Dan wasn't into computers. I didn't know that he had a real aversion to e-mail, cellphones, and social media. He wrote letters by hand and read books, and he cared. Dan cared about nature. He cared about community. He loved Nancy and his family, and he lived with intention.

Despite all of the remarkable things, Dan didn't make a big deal about it. Despite a remarkable life, he was a humble man and a true Yukoner. When you met Dan, you could feel him to be gentle, reflective, and caring. It was somehow just how he was.

So, today, Mr. Speaker, I stand on behalf of all members of the Legislature to share a remarkable life. From Percy Bysshe Shelley's famous poem, *To a Skylark*:

In the golden lightning
Of the sunken sun,
O'er which clouds are bright'ning,
Thou dost float and run;
Like an unbodied joy whose race is just begun.

Thank you, Mr. Speaker.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Mostyn: I have for tabling today a *Global News* article dated March 20, 2021 entitled “Conservative party members vote down resolution to officially recognize climate change”.

Ms. White: Today I have for tabling a letter from the president of Queer Yukon in support of Bill No. 304, *Act to Amend the Education Act*.

Speaker: Are there any reports of committees?
Are there any petitions to be introduced?
Are there any bills to be introduced?
Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to address the ongoing opioid crisis in the Yukon by:

- (1) providing nasal naloxone training to every worker at the Whitehorse Emergency Shelter; and
- (2) allowing Whitehorse Emergency Shelter staff to independently administer nasal naloxone.

Ms. White: I rise to give notice of the following motion:
THAT this House urges the Government of Yukon to:

- (1) demonstrate its commitment to the spirit and intent of the mutually binding treaty relationship set out in the 11 Yukon First Nation final agreements with particular reference to the objectives set out in chapter 11 of Yukon First Nation final agreements, including to ensure that social, cultural, economic, and environmental policies are applied to the management, protection, and use of land, water, and resources in an integrated and coordinated manner so as to ensure sustainable development;
- (2) consistent with its stated commitment to implement the recommendations set out by the Truth and Reconciliation Commission, the Government of Yukon work with Yukon First Nations without ratified treaties to put in place mutually respectful arrangements regarding land use and disposition; and
- (3) pending finalization of the above, the Yukon government implement an interim moratorium on mineral staking in regions of Yukon where land use plans have not been finalized.

Speaker: Is there a statement by a minister?

MINISTERIAL STATEMENT

Electric vehicle charging stations

Hon. Mr. Streicker: Thank you, Mr. Speaker. I rise today to update the Legislature about the progress that the Yukon is making in supporting Yukoners’ transition to electric vehicles. The transportation sector is the territory’s largest source of greenhouse gas emissions. Under *Our Clean Future*, we committed to developing a territory-wide electrified

transportation network. We have made substantial progress over the past few years, and I am here to update colleagues.

Over the last 12 months, we installed seven new fast chargers in the communities of Carmacks, Teslin, Watson Lake, Pelly Crossing, Mayo, Stewart Crossing, and Dawson City. These seven new charging stations expanded the Yukon’s existing electric vehicle charging network to 12 fast chargers, plus, in the coming year, we will add an additional seven fast chargers to the communities of Beaver Creek, Burwash Landing, Mendenhall, Faro, Ross River, and two more in Whitehorse, bringing the total network of electric vehicle chargers in the Yukon to 19 by the end of the year.

Yukoners can now travel the entire Klondike Highway, the Silver Trail highway, and the Yukon portion of the Alaska Highway in an electric vehicle with the ability to find charging support along the way. In addition, earlier this year, I announced that the Yukon government, in partnership with the federal government, will be supporting the installation of up to 200 level 2 electric vehicle chargers across the territory by offering municipalities, First Nation governments, and businesses up to 90 percent in rebates to install level 2 chargers.

Mr. Speaker, by investing in electric vehicle chargers, we are in turn incentivizing Yukoners to purchase electric vehicles. Since our government launched a suite of clean transportation rebates under the good energy rebates program over a year ago, Yukoners have been buying and driving more electric vehicles. I asked for an update from the department. We went from 22 electric vehicles in the fall of 2020 to 129 registered in the Yukon as of this January. Our goal is to have 4,800 electric vehicles registered in the Yukon by 2030, and although there is definitely more work to do, we are committed to this goal.

In budget 2022, our government outlined over \$2 million to support zero-emission vehicles and charging stations across the territory. We continue to see promising indications that more and more electric vehicles will be on the Canadian market. In fact, just last month, the federal government announced \$4.9 billion to create an electric vehicle battery plant in Windsor, accounting for the single largest investment in the Canadian auto industry to date.

Mr. Speaker, we see a future where electric vehicles are commonplace and that it is possible to travel in an electric vehicle between all of the Yukon’s road-accessible communities. Helping Yukoners to shift to electric vehicles is one of the ways we will reduce our dependence on fossil fuels, reduce our collective greenhouse gas emissions, and meet our commitments in *Our Clean Future*.

Mr. Istchenko: Thank you for the update from the minister on electric charging stations for vehicles. Mr. Speaker, as you know, the Liberal government has been expanding the use of diesel generation for electricity in the territory. In recent years, they have spent over \$14 million on renting dirty diesel generators. They have spent over \$3.3 million on infrastructure upgrades to house their rented dirty diesel generators, and they spent \$6.3 million on planning for permanent new diesel generators and the cancelled LNG site.

I want to note that the \$6.3 million of Liberal energy decisions haven't been applied to electrical rates yet, but they will be when the minister gets his rate review and jacks up our electrical rates even further. That's right, Mr. Speaker. The Liberals are building new diesel generators that Yukoners are going to pay for. In fact, there's a tender closing today to build 12.5 megawatts of diesel-generating power in Whitehorse, Faro, and Dawson City. What this means is that, in recent years, rather than make our electric grid greener, they have actually increased our dependence on diesel.

My first question is: For these electric charging stations, how much of the electricity is going to be generated by fossil fuels? As we know, some of these charging stations are being put in communities that rely solely on diesel generation. Because if the Liberals are just replacing vehicles that run on fossil fuels with electric vehicles that are charged using electricity from fossil fuels, then this is nothing more than a shell game of greenhouse gas emissions.

Can the minister tell us how much of the electricity at EV charging stations is going to come from diesel?

Another question that I have for the minister is: Who is paying for the electricity at these charging stations? Is it essentially just free fuel subsidized by taxpayers, or do the people actually have to pay?

Finally, I have another question for the minister. On March 23, I asked the minister what consultations he has undertaken with respect to consulting the mining industry on emission targets for their industry. At the time, the minister said that the way he conducted these consultations was by participating in some sort of panel. He committed in the Legislature that he would provide the transcript of the so-called "consultation". After receiving radio silence, basically, from the minister, I e-mailed the minister asking for this information. Since that time, the minister still has provided nothing.

Can the minister confirm if consultations with the mining industry on emission targets have taken place? When did they take place? What was the outcome of the consultations? Will the minister finally provide the information that he committed to provide on March 23?

Ms. Tredger: We know that transportation is the largest source of greenhouse gas emissions in the Yukon, and we have to start there if we are to meet our emissions targets for 2030. The Yukon NDP platform called for the building of one rapid electric vehicle charging port in every grid-connected community. This announcement means that the government has almost achieved our platform commitment, so I'm glad to see that we agree on this issue. As the Premier has said, good ideas can come from all sides.

The minister spoke about reducing our collective emissions and the importance of travel between road-accessible communities, so I want to take a moment to talk about a collective solution for travel between communities, because we know that not everyone can afford to drive a car, much less a new electric car, and not everyone is able to get a licence. Let's talk about transit.

The Yukon First Nation Chamber of Commerce community travel project called for an intercommunity bus service in the territory. The 2021 Yukon NDP platform committed to introducing a scheduled bus service between rural Yukon communities and Whitehorse. The per-person, per-mile emissions of a bus trip are 32-percent less than a private car. That's a meaningful difference. Supporting accessible and reliable public transit is not only a proven climate solution, it's also a matter of equity and safety for our communities.

I also want to talk about the framing of this government's response to climate change. What has been presented here today is a change in technology; it's not a change in the way we travel, the way we work, the way we consume, or the way we live. I'm concerned that this government is relying solely on technological fixes for a much bigger problem.

In the 2021 Yukon Youth Panel on Climate Change report, they discussed prioritizing — and I quote: "... reconnection and sustainable relationships with the land and people to ensure that social and economic systems are based on reciprocity and supported by ecological integrity. Overall, this results in a changed mindset and way of living to sustain a healthy planet."

This government thanked that panel for their work and, in their response letter, dismissed their recommendations. It was the kind of letter that almost — not quite, but almost — made me miss the Yukon Party, who are at least honest about their disregard for climate activists. It is nothing short of enraging the way this government asked youth to be leaders, to pour their time and energy and passion into recommendations, and then refused to engage in an honest conversation when they heard something that they didn't like. To actually tackle climate change and make our society sustainable, we need a new relationship with the environment, and technological fixes alone won't get us there.

I recently heard a very compelling metaphor about this. During the women's rights movements, dishwashers were invented, which reduced the amount of household labour they had to do. While this was certainly a good thing — I'm personally grateful every day for my dishwasher — it did nothing to alter the balance of power in the home and the fundamental inequality that women face in society.

In the same way, technological changes will not fundamentally change our relationship with the world around us. So, yes, I'm excited about electric cars and charging stations. I appreciate the work being done to make them more accessible to Yukoners, but I'm afraid that this government is losing sight of the real work that's ahead — the work of creating a new way of living and a new relationship with the world we live in.

What does that look like? It looks like reframing our ways of thinking about consumption and development. It looks like prioritizing sustainability, even when that is hard. It looks like acting like we're in an emergency, because we are.

Hon. Mr. Streicker: Thank you, Mr. Speaker; I wish I had more than four minutes.

I know that tomorrow we are bringing in witnesses from the Yukon Development Corporation and the Yukon Energy Corporation, and I look forward to that discussion.

I will start with the Youth Panel on Climate Change and read now from the Premier's letter to the Youth Panel on Climate Change. I will table it for members: "The Government of Yukon would like to express our sincere gratitude to all of you who served on the Yukon Youth Panel on Climate Change. Your insights, passion and dedication are essential to building a stronger and more resilient Yukon and represent an important step in developing inclusive climate change policies." I could read the whole thing. There are some great suggestions there, so I thank the youth panel. By the way, we have a new youth panel, which has just been announced. Thank you.

With respect to diesel, we do have an islanded grid. Our electrical grid here is not connected to the Outside, and as such, we require that there be diesel or LNG backup if one of our main transmission lines or one of our main turbines goes down, so that is correct — and we will continue to upgrade those.

What we really need to be talking about with the members opposite — with the Yukon Party — is about their interest in building another diesel plant to deal with the increased demand for electricity. No, we do not want to do that. I disagree with that. I think that the Yukon Party is completely wrong. In fact, I think that they are unreliable around this issue.

When it comes to diesel, the Member for Kluane asked me what percentage of electricity would come from renewables. Because it would come on to our grid, the answer is roughly 95 percent. Sometimes it is down to 93 percent, sometimes up to 97 percent. Of course, it depends on whether it is summer or winter, but that's how much renewables we have on our grid right now. What we are doing is expanding the amount of renewables we have on our grid. We are bringing on a grid-scale battery just up the hill from here. That will get rid of four rented diesels, but not if we built a diesel plant, as the Yukon Party wishes to do. No, because then you have built the plant, and now you have to pay for it. This is the difference.

I believe that we have to set an ambitious climate goal around what is happening here in the country, in the world, and in the territory. We just saw that another report came out from the sixth assessment of the intergovernmental panel on climate change work and it's talking about how critical it is that we cut our emissions. Transportation is the biggest set of emissions that we have. I recall when the Yukon Party put forward their plan around climate change, and they asked me as a climate expert to come in and give them some advice. I pointed out to them — which, by the way, was led by the Leader of the Yukon Party at the time — and I pointed out to them: "You're not even talking about transportation. It's over half of the emissions in the territory."

No, we're going to put transportation and emissions around transportation front and centre. That's what we're going to do and we are committed to this. I believe that we have all sorts of types of innovative projects around transforming to renewables. I thank you for the brief time that I have to respond to the ministerial statement today.

Speaker: This now brings us to Question Period.

QUESTION PERIOD

Question re: Cost of living

Mr. Hassard: Earlier this week, when the Minister of Energy was talking to media about the Yukon Party's proposal to defer collection of the fuel tax for the year, the minister said — and I'll quote: "One of the ones that has been suggested to us is to drop the gas tax but remember all of the gas tax is rebated to Yukoners. So that isn't helping in a sense because all that money is going back anyways."

Can the minister explain those comments and tell this House how the fuel tax is rebated to Yukoners?

Hon. Mr. Streicker: What I was speaking about is the carbon price. The carbon price, of course, is a federal policy that is brought in but which we support, and what we have done is design a program where all of those dollars are rebated to Yukoners. They go back to Yukon families; they go back to Yukon businesses; they go back to First Nation governments and municipal governments. They don't come back to us. We make sure that all of that money is rebated to Yukoners. We've discussed carbon pricing very often in the Legislative Assembly and that's what I was referring to.

Mr. Hassard: I'll remind the minister; that's not what he said and that's certainly not we had asked.

Mr. Speaker, the simple fact is that what the minister told the media earlier this week was flat-out wrong. The fuel tax is not rebated to Yukoners, but given the inflation crisis that Yukoners are facing, we believe that it should be. The most impactful way the Government of Yukon can help with the crisis is to suspend the collection of the fuel tax.

So, will the government agree to cut the fuel tax on Yukoners while they face this unprecedented cost-of-living crisis?

Hon. Mr. Streicker: I don't recall seeing the member opposite there when I was speaking to the media. I will check back to make sure that it was clear that I was talking about the carbon price, but I'm standing on the floor of the Legislature today to say that this is about the carbon price and the carbon rebate. I am really happy that we, as a government, have agreed that all of this money will go back to Yukoners to support them and that the price signal will help them.

What this is about, Mr. Speaker, is making sure that we don't continue to create a dependency on fossil fuels. We really need to move off of fossil fuels. We just had this discussion through the ministerial statement moments ago. I hope that the members opposite from the Yukon Party are not suggesting that what we want to do is invest more in fossil fuels — I think that is the wrong direction.

We have brought in place an interim rebate on electrical bills. We think that is the better approach, and we will continue to look for the many ways out of this year's budget and beyond in how we will support Yukoners right now and in the coming months.

Mr. Hassard: You know, we hear often about the importance of providing accurate information, and it is clear that the minister is certainly not doing that today. Even the

Liberal government has admitted that the cost of living is skyrocketing and the fact that they think that \$150 a year is going to help with that shows just how out of touch they really are.

Jurisdictions across North America have been announcing that they are taking action by cutting or suspending their fuel taxes, but here in the Yukon, government ministers have demonstrated that they don't even know how the fuel tax works and have incorrectly suggested that it is already rebated.

So, will the Government of Yukon follow the lead of so many other jurisdictions and cut the fuel tax on Yukoners for the year to help them deal with the unprecedented cost of living?

Hon. Mr. Silver: The minister has been clear when it comes to the rebate of carbon pricing, and we have also been clear that we believe that affecting the cost of living on a positive basis on the electrical rates is a better approach forward.

We do know that other Tory governments that are facing elections are in the situation where they are cutting the fuel price through their tax system. We don't believe that's necessarily what we should be doing. We have designed a whole budget that addresses inflation since August. We have been making lives more affordable for Yukoners. The member opposite is part of the team that has been proven very unreliable when it comes to carbon pricing. They just put a press release out saying that they have never been in favour of a carbon pricing mechanism, but yet they campaigned on having one.

Again, they could say that we are mincing our words about carbon pricing when it's absolutely not true. We have been consistent about carbon pricing since the beginning. We have also been consistent with our rebates and our efforts to make lives more affordable for Yukoners since day one.

Question re: Cannabis retail sales

Mr. Dixon: One of the most obvious ways that government competes with the private sector is in the cannabis market with online sales. The government retailer allows patrons to go online, search products, select them, pay for them, and have them shipped. Private retailers, however, are not afforded this sales channel. We have pointed this out numerous times over the past number of years.

Back in October 2020, the former minister promised online sales for private retailers, and yet again, this government has failed to deliver on that promise. So far, the private retailers haven't even been consulted on the regulations yet.

When will private retailers have access to the same online sales channels that the Liberal government allows the government retailer to use?

Hon. Mr. Pillai: I think that partly today the question from the member opposite has to do with some statements made by the Yukon chamber today and some other private sector retailers. First of all, I believe that the statements today were outdated. We had broad discussions here in the fall. During those discussions, we talked about the fact that we committed to bringing online sales into place in May of this year. We're committed to that, and we'll deliver that.

Again, we also meet with our retailers — in some cases, weekly or biweekly. I'm scheduled to sit with them tomorrow morning, I believe, at about 10:05. We have sat and we have listened to folks as we've gone through this system. We're committed to it. We brought the price down for them just last year, and again, we're doing to deliver on what we said.

I think it's just a little disingenuous, the comments across the way. Again, I look forward to questions 2 and 3.

Mr. Dixon: Well, just on the radio this morning, the chair of the Yukon Chamber of Commerce was on the radio saying that the government was competing with the private sector. That's a direct quote from this morning. I don't think that's disingenuous at all.

Since the 2021 election, we have questioned the Liberals' model on private cannabis sales. We have said that this system sets up the government to compete with the private sector and doesn't give businesses in this sector the tools that they need to compete with and displace the black market.

Now, today, the Yukon chamber has added their voice to the voices of businesses in this community on this issue. They have written a letter to the government that notes the points that we have raised: that the government is competing with the private sector.

Why is the minister continuing to allow the government to sell cannabis online, but not allowing private retailers this very same opportunity?

Hon. Mr. Pillai: Yes, as stated in the answer to the first question, I think what spurred this — or the catalyst for this — were the comments that I made this morning. The first point I made was that the comments were outdated. The reason they are outdated is because we made a commitment here in the fall. I am going to reach out to the chamber. I think we need to sit down with the chamber members and bring them up to speed on what has happened.

Again, the wholesale markup was adjusted from 22 percent to 20 percent in December 2021. We reduced the price. We also reviewed the cost-of-service charges on products. So, under the previous cost-of-service rate, large formats, such as 28-gram bags, had a cost-of-service charge on licensees of about \$14 per unit. Under the new rate, the cost of service for 28-gram bags is \$2.15 versus \$14.

One of the things that we have done is gone out to public consultation and engagement when this all came about. We heard very clearly from Yukoners. We have debated this and I am looking forward to debating it again. If we want to go back and be redundant, we can talk about it again.

The "what we heard" document was very clear on the governance structure that Yukoners wanted to see and how this would be dispersed. We are committed to May. That is what we said in the fall. Absolutely nothing has changed. When you write up regulations, you have to go through an internal process, such as making sure you have French translation, making sure that it goes through the legal system, and all of those things. They can laugh. The former Minister of Justice should know, instead of laughing, that this is what is happening. It will be in place in May.

Mr. Dixon: Mr. Speaker, this government made a conscious choice to allow the government retailer to continue to sell products online while the private sector is unable to do so. That is directly competing with the private sector. One of the biggest disadvantages that private cannabis retailers face is the burdensome price structure imposed on them by the government-run distributor. Not only does the government impose a distribution markup, but there is a raft of handling and stocking fees on top of that. This means that before the product even arrives on the retailers' shelves, there are significant unnecessary costs to the product. This would be all the more simple if private retailers could order directly from licensed producers.

Will the government get out of the way of private retailers, stop competing with them in the cannabis market, and allow them to purchase directly from licensed producers so that they can be even more competitive and stand a better chance of displacing the black market?

Hon. Mr. Pillai: First, it's important to know that, statistically, we've done phenomenally in displacing black market based on what we've seen for sale the last couple of years.

The other thing that we will do is make sure that we take the direction of Yukoners. We can go back — the member opposite and I discussed this at length when the regulations came through — and the last work we did — I think that we had the unanimous support of the House. I think the member opposite who is asking me the question today voted in favour of this. So, we will continue to go down the road we have planned to. We will make sure that there are online sales available in May. We will listen to Yukoners in the structure that we had. We will continue to do a phenomenal job. I thank the member sitting next to me for the work in setting this up and displacing the black market.

Again, we've reduced prices. The commitment that we made was that we would not make profit on this transaction, and that's the commitment that we are sticking to. We are making sure that retailers have the opportunity to make as much as they possibly can. We want to see this in the hands of the private sector. The commitments that were made here about opening a store and putting it in the private sector's hands are all things that we committed to and all things that we did.

Question re: Health care services

Ms. White: Yesterday, the minister told the media that she was — and I quote: "... working on the first government-supported walk-in clinic" set to open this spring. To say that Yukoners are flabbergasted would be an understatement. After being asked directly in this House by the Yukon NDP and after the minister dismissed several times the very idea of a public walk-in clinic, it seems the government just did a 180-degree turn. To be clear, the Yukon NDP is thrilled that the government changed its mind, but we need clarification. After all, the minister herself said only a few months ago that people who spend hours in the ER would unfortunately just have to wait. The thousands of Yukoners with no family doctor are on the edge of their seats.

Can the minister confirm that the government is opening a public walk-in clinic this spring?

Hon. Ms. McPhee: I am surprised by this question. I am certainly happy to be able to speak about the changes and the progress that the Yukon Department of Health and Social Services is making in response to the needs of Yukoners, but I have mentioned a government-supported walk-in clinic in this Legislative Assembly at least twice prior to my conversation yesterday in response to the media questions. I am happy to even locate those, perhaps in Hansard, and provide them to this Legislative Assembly. It is not the first time I have mentioned this. As a matter of fact, I can remember doing it the very first time in response to a question from the Member for Vuntut Gwitchin.

The *Putting People First* report, of course, indicated that, as we implement the recommendations from that report, we should consider the concept of primary health care services and, in particular, a walk-in clinic supported by government. We are currently working toward opening a new walk-in clinic in Whitehorse. This initiative is just one piece of the work that we are doing to expand access to primary health care here in the territory.

Ms. White: The minister at different times has mentioned the bilingual health clinic, but that was the first time that we had heard about a public walk-in clinic.

So, the news isn't just a shock to us, but it caught everybody off guard. In fact, it was so unbelievable that when the minister said that she was working on the public walk-in clinic to open this spring, journalists offered her a chance to clarify. When she was asked a second time, the minister confirmed and said yes — point blank — that a government-supported walk-in clinic will open this spring.

Again, the Yukon NDP and everybody who has heard the news are thrilled, but considering that we are already in the spring, the deadline is fast approaching. Can the minister confirm that, in her calendar, spring ends on June 21?

Hon. Ms. McPhee: I'm going to assume the member opposite is being facetious and she doesn't really care what I think about when spring is or spring isn't. However, a walk-in clinic is in fact an important aspect of the responses that the Department of Health and Social Services and this government are providing for Yukoners in need of primary medical care. It is not the only response. It will not be the golden panacea of responses or of solutions, but it will be one important aspect of the work that we are doing together with the Yukon Medical Association and with the Yukon medical providers of service here in the territory to expand services of all types for Yukoners to have primary care options.

Ms. White: The minister will have to forgive me, because when the Yukon Housing Corporation minister told me that the Jeckell housing project was going to open in late spring and I asked for clarification, I was told June or July.

So, the thousands of Yukoners who have been waiting years on the family doctor wait-list are excited too. Until they heard it on the radio this morning, no one had any idea that this was in the works. In fact, information on this public walk-in clinic is nowhere to be found. It's not on the government's

website, in the government briefing notes, or even in this year's budget.

Given that this clinic is supposed to be up and running in a matter of months — spring of this year — can the minister tell Yukoners where they are supposed to find information about this new walk-in clinic?

Hon. Ms. McPhee: I never want to enter into a back-and-forth here in the Legislative Assembly where I just say “X” and the opposite folks say “Y”, but I have a briefing note in my hand. In addition to the fact that this is incorrect — I have mentioned it here in this Legislative Assembly on at least two other occasions, and I will look for those references. I will apologize if I am wrong about that, but it is certainly in my memory that it was the case with respect to this spring session.

The most important information is that we are working on this in conjunction with the medical community here in the territory for the purposes of determining how and when this can happen. When we have that information, we will provide it immediately to the Yukon public. We will have it on yukon.ca and the information that is available online with respect how individual Yukoners can find that information, and yesterday is not the first time that I mentioned this. I am sorry that the members opposite weren't listening. I was happy to have that question from the media yesterday. I, certainly, being in front of them, very close to them, did not understand that there was any surprise. As a matter of fact, the clarification that was asked about was whether or not that clinic would be open in 2022 or by the end of the year, and I said yes.

Question re: Inclusive and special education

Ms. McLeod: In a recent letter, the Yukon Speech-Language Pathology and Audiology Association of Yukon criticized the Department of Education's lack of recognition and investment in speech and language services. They said — and I quote: “The Department requires additional FTE allocation for S-LPs in order to provide their specialized services in an equitable manner across the territory.” Currently, there are four speech-language pathologists in the department.

Will the minister consider increasing the number of SLPs in the Department of Education?

Hon. Ms. McLean: Thank you, Mr. Speaker, and thank you very much for the question.

I want to always start by saying that we strive to ensure that we have the right services and supports in place for our children, and that is certainly my commitment always. This is an area that has been discussed at some length, and it was certainly discussed in the Public Accounts hearings that happened in January. Information about student needs and supports — including diagnoses such as language disorder — are contained in individual files for students. As part of the work to respond to the findings of the review of inclusive and special education, we are working to identify options to improve our tracking and monitoring of learning plans, specialized assessments, strategies, and supports for students. Yes, we currently have four FTE allocations for speech-language pathologists. They are a very valuable resource.

I will continue to build on my answer going forward.

Question re: Campground development

Mr. Istchenko: So, Yukon government's budget includes money in the five-year capital concept for a new campground. We know that the Department of Environment has been engaging six First Nations about this possible site and that they are targeting a location within a two-hour drive of Whitehorse.

Can the minister please tell us which sites have been identified and are currently being considered?

Hon. Mr. Clarke: Thank you for the question from the member opposite. I'm pleased to share the work that is underway to select a new campground location. Indeed, this is an exciting project to provide greater opportunities to all Yukoners and to the guests we welcome here on an annual basis.

Six Yukon First Nations whose traditional territories are within a two-hour drive of Whitehorse were invited to discuss possible campground locations and partnership opportunities with the Yukon Parks branch. We are working with First Nations to identify a location that would meet the requirements for the new campground laid out in the *Yukon Parks Strategy*. Yukoners will have the opportunity to provide feedback on the new campground after a final location has been selected in consultation with affected First Nations.

In order to get to the construction phase, we will also need to complete the necessary planning and design work. The new campground will provide economic opportunities for First Nations and the private sector. There will be opportunities to bid on tenders for campground design, construction, and ongoing operation.

As well, the new First Nation procurement policy will also be followed to enhance economic outcomes for Yukon First Nation people and businesses.

Mr. Istchenko: So, we know the government has considered a fairly large site and they have said that it would be as big as 150 well-spaced sites. They have also said that they hope the sites will have access to a body of water. This means there are only a few possible sites that may be considered. We know that Yukoners would like to know which sites are currently on the table.

Can the minister please tell us which sites he is looking at and are currently being considered?

Hon. Mr. Clarke: The member opposite is correct that various sites within a two-hour drive from Whitehorse are being considered. The final decision has not yet been made, but I can advise that, as indicated, the proposed campground could be larger than 150 campsites. It should ultimately have a rustic atmosphere and well-spaced campsites, have a quiet zone available, and provide active recreational opportunities like hiking trails.

I will continue to be briefed on the selection of the new campsite during the course of this year. I have also been told that there is a possibility of this plan being divided into separate and discrete but smaller sites that may be identified, but that is still contingent on the discussions being had with the six impacted First Nations.

But we certainly look forward to welcoming all Yukoners on April 30 for the second year of the extended Yukon summer camping experience, as we will be opening up on April 30 and closing later as well. We hope to have a near-normal experience for both Yukoners and for the guests who we will be welcoming from around Canada —

Speaker: Order, please.

Question re: Health human resource strategy

Mr. Cathers: Thousands of Yukoners are without a family doctor, which means they have serious issues accessing primary health care.

Over one-fifth of people don't have a doctor. This issue is getting worse by the day. Over the next few months, as many as five local family doctors will go on maternity leave, and we have heard that many of them can't find sufficient locum coverage. It's clear the Yukon needs an integrated health human resource strategy, which needs to include immediate actions, as well as a longer term plan.

Will the minister agree to work with Yukon Medical Association and other health care professionals to immediately begin work on developing an integrated health human resource strategy for the Yukon?

Hon. Ms. McPhee: I am pleased to be able to stand today to answer what is a repeat question from yesterday. I am very pleased to have the opportunity to say again that of course we are working with the Yukon Medical Association. The question is: Will the minister agree to work with the Yukon Medical Association? The answer to that is yes. We are doing that work.

We agree that there needs to be primary health care services and options for Yukoners who are without a primary care doctor. We have continued to recruit through national and online forums, and we have supplemented staff with agencies, locum doctors, and other opportunities for out-of-territory resources. We continue to explore options to connect Yukoners to primary health care services. We have the "find a doctor" program. We need to continue to work on expanding that service so that more doctors are registered to take additional patients. We are working to hire additional nurse practitioners to work in our communities and in integrated primary health care clinics to help meet the needs of Yukoners. We meet with the Yukon Medical Association to address physician recruitment, retention, and the issues of locums.

Mr. Cathers: The minister paints a rosy picture, but we hear a different story from doctors and patients. Lack of access to primary care is having real consequences. We hear from Yukoners frequently about the impact the shortage of family doctors has on their lives. Over one-fifth of Yukoners don't have a doctor.

We also hear from the physician community that they are struggling. Doctors are experiencing burnout, and some we have heard from are thinking about cutting back clinical hours. Newer doctors are increasingly turning away from primary care and choosing not to take on patient practices because they are not getting the support they need from government.

What's needed to address this is an integrated health human resource strategy with immediate actions, as well as a longer term plan. Will the minister agree to make this a priority and get to work with health care stakeholders immediately on a new health human resource strategy?

Hon. Ms. McPhee: This has been a significant issue for some period of time, certainly through the period of COVID. It has been a primary concern of mine and a priority for our government since I was given the responsibility of the Department of Health and Social Services a little less than a year ago. It continues to be a priority for the work that we are doing in building trusting relationships with the Yukon Medical Association, the Yukon Nurses Association, and all primary health care providers.

We need to support the individuals who provide that kind of acute care here in the territory. Having been through two years of a world pandemic, having recognized the local, the national, and the international shortage with respect to health care providers for what are probably obvious reasons but nonetheless which bear repeating here, that they have been understaffed in some situations and certainly overworked with respect to responding to a world pandemic — we will continue to support them. We will continue to build those relationships, and we will continue to work to provide Yukoners with the primary health care that they deserve.

Mr. Cathers: These problems began before the pandemic and have been made worse by the lack of action by this Liberal government.

It's clear to us and many in the medical field that we need a new integrated health human resource strategy. As health minister in 2006, I announced our health human resource strategy, but time has passed and the Yukon needs one that meets the challenges of today.

We need to start seriously thinking about how many doctors the Yukon needs, where they are coming from, and what specialties we need. We also need to look at regulatory barriers that are holding back medical professionals from delivering the care Yukoners need. We need a strategy to address all of those issues, one that has immediate actions, as well as ones for the longer term.

Will the minister agree to set aside her talking points and actually take action by immediately beginning work to develop a new integrated health human resource strategy for the Yukon, in cooperation with health professionals?

Hon. Ms. McPhee: I am always puzzled when criticism comes from the opposite side of this House about having notes. Part of my job is to come here prepared. I come here prepared with notes to potentially answer questions from the opposition on behalf of Yukoners. I think that this is actually my job and my responsibility, so the criticism that I bring notes is always interesting to me.

Nonetheless, during the 2020 calendar year, the Yukon was supported by a total of 75 resident physicians and an additional 20 specialists, as well as 95 visiting physicians and specialists. Physician counts are calculated at the end of each fiscal year. I am awaiting the numbers for the fiscal year 2021-22.

Between 2019 and 2020, the Yukon's supply of resident physicians increased by approximately eight percent. This does not include locums or visiting physicians. This is an important issue for our government, for the Department of Health and Social Services, and I daresay for the physicians and Yukoners who require them here in the territory. We will continue to do the important work to respond.

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

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

BILLS OTHER THAN GOVERNMENT BILLS

Bill No. 304: *Act to Amend the Education Act* — Second Reading — *adjourned debate*

Clerk: Second reading, Bill No. 304, standing in the name of Ms. Tredger; adjourned debate, Mr. Dixon.

Mr. Dixon: Mr. Speaker, I know that I have a very brief amount of time, so I apologize for speaking relatively rapidly. I am in the difficult position of having a timed 20-minute speech bifurcated into two days, between today and our last opposition Wednesday.

I will start by very briefly noting the three main points that I raised two Wednesdays ago.

Those are, first of all, my view of the importance of MLAs' roles to bring forward legislation — and the second being that I walked through the content of the bill and raised some of the questions and concerns that I had about the content of the bill. The third, I noted, was what I felt to be a need for consultation.

Having circled back to those three points, I can pick up where I left off. When I left off a few Wednesdays ago, I was quoting the Leader of the Third Party. I will just continue with that briefly. The quote that I had from the Leader of the Third Party was — quote: "Considering that, I think it is an important consideration that wasn't included in the proposal from the Yukon Party. That leaves me asking: What else might have been missed in that legislation? Again, yesterday, I wasn't in favour, and then I thought maybe we could work on it, and then I identified all the spots where I thought we would have to make amendments. Then I wondered how on Earth we could possibly make amendments to laws on the floor of the Assembly without fully understanding the ramifications, because I am not a lawyer — I am not a judicial lawyer — and some of those decisions will have consequences." That was the quote from the Leader of the Third Party. Of course, the point that I was making back on March 23 when I spoke to this last was around the need for consultation on these types of amendments.

The final point that I want to make is sort of drawing together the various points that I made both today and last Wednesday, which were — there's an inherent tension, I believe, between those three aspects: first of all, the fact that there is a very important role for non-government members to be able to bring forward legislation; second, that we as non-government MLAs have fairly limited resources when it comes

to conducting broad consultation as we don't have the staff, the budgets, or ability to lead the kinds of public consultation that government does; and third, the genuine need for that consultation to occur. What we find ourselves with is a difficult tension between those three competing issues.

My view on the solution to that — addressing that tension between those priorities — is to utilize standing committees of the Legislature or select committees of the Legislature. I believe that we already have the mechanism in place with the Standing Committee on Statutory Instruments and believe that committees give us the ability to bridge that difficult gap between the importance of private members bringing forward legislative amendments and the need for public consultation.

With that in mind, Mr. Speaker, I will make an amendment to this motion at second reading.

Amendment proposed

Mr. Dixon: I move:

THAT the motion for second reading of Bill No. 304, *Act to Amend the Education Act*, be amended by adding immediately after the phrase "be now read a second time" the phrase "and referred to the Standing Committee on Statutory Instruments; and

THAT the committee report the bill to the Legislative Assembly no later than the 15th sitting day of the next Sitting of the Legislative Assembly."

I have the requisite copies here.

Hon. Mr. Streicker: During the COVID protocols, we have often asked, if there is an amendment, whether there would be an opportunity to have a few minutes to consider the amendment with a small break. I am not sure if the member opposite is supportive, but that would be appreciated by our side of the House.

Speaker: There are no rules right now regarding taking a short break.

Hon. Mr. Streicker: Then I will just request the unanimous consent of the House, under Standing Order 14.3, to take a five-minute break to consider the amendment.

Unanimous consent re recess

Speaker: Is there unanimous consent to take a five-minute break?

All Hon. Members: Agreed.

Speaker: Unanimous consent has been granted.

Recess

Speaker: I will now call the House to order. The amendment is in order.

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

THAT the motion for second reading of Bill No. 304, entitled *Act to Amend the Education Act*, be amended by adding immediately after the phrase "be now read a second time" the phrase "and referred to the Standing Committee on Statutory Instruments; and

THAT the committee report the bill to the Legislative Assembly no later than the 15th sitting day of the next Sitting of the Legislative Assembly.”

Mr. Dixon: I believe I have about two minutes to go, so I will be very brief in my comments. The long and the short of this is that I believe that this bill has some merit, but it does require some consultation, so I think that in order to allow for consultation on this, the best way forward is for a private member’s bill to go to a committee to lead the consultation. As I discussed previously, that’s the way that I think that private members’ bills should be dealt with in general. That is what we proposed for our own bill, the bill to amend the *Civil Emergency Measures Act*, just a few weeks ago, where we encouraged the Legislature to direct that private member’s bill to a standing committee, because we do believe that is a sound process.

We do know that are a number of groups, stakeholders, and those in the education community who do have thoughts on this bill. We have seen submissions from some of them already, and there is a general sense in the education community that they would like to be consulted about this type of change before a change is made. So, I think that the way we ought to proceed is to send it to a committee, have that committee lead a consultation, and return to the Legislature fairly quickly in the next Sitting for the amendment to present the findings of their work at that time.

Ms. Tredger: To speak to this amendment, I would like to start by talking about this question of consultation, because it has come up quite a bit. I thought we were going to talk about it in Committee of the Whole, but we can talk about it now; that’s fine.

I want to start by talking about how this bill came forward and how it was developed. It came out of conversations with community. It really started with conversations with the youth of the Rainbow Room at Porter Creek Secondary School — the very people who we are talking about, the people who are at the heart of this conversation. They talked about what a difference that student organization had made for them. They talked about their schools feeling safer — about feeling safer both in that space and outside of that space, how important that was to them and what a difference that made to them as they navigated mental health crises and families who weren’t always supportive and peers who were bullying them. They talked about what a difference this place made to them. They talked about their concerns for their peers who didn’t have that. So, that is where this started; it started in a process of conversation.

Since then, in trying to come up with a response to the needs of these students, which I presented here in the form of this bill — in deciding that this was the response that would best help to respond to their concerns, I have had many, many conversations. I want to start by talking about some of the formal conversations that I have had and about the three letters of support that have been tabled by my colleagues and I over the last two weeks.

We have a letter of support from the Yukon Association of Education Professionals. My colleague, the Member for Copperbelt North, just mentioned that the education community wanted to be consulted. Well, we have a letter here from the Yukon Association of Education Professionals saying they are “supportive of an amendment which supports LGBTQ2S+ students.” Further in this letter, they say they “... will always be supportive of measures and initiatives that support our vulnerable members of our schools and ask that leaders of the Yukon to think the same.”

To me, that’s a pretty powerful voice. I don’t know who knows these issues and what they’re going to look like on the ground better than the association that represents educators.

We also have a letter from All Genders Yukon, which reads: “All Genders Yukon ... would like to confirm that we will endorse Bill No. 304 that would mandate GSA’s in schools in the Yukon. This would ensure LGBTQ2S+ students have safe spaces in all Yukon schools.”

All Genders Yukon is an organization that I can’t speak highly enough of. They are in the trenches figuring out how to support their community. When they say that they think this would help, I believe them.

Finally, we have a letter from the president of Queer Yukon, which expresses their conditional support. I actually really appreciated when they talked about conditional support, because they talk a lot about the implementation of this bill and how critical the implementation piece is.

To start, I’ll just quote a little bit from the letter. It reads: “... passing the Safe Spaces bill would give desperately-needed hope to young queer, trans and questioning students and their peers.”

They do go on to talk a bit about the implementation and how passing it alone isn’t enough and that more steps are needed. I really hope we get the chance to discuss that more, because I do think the implementation is a very key part of making this bill a success, but since right now we’re speaking to whether this Legislature should pass this bill, again, passing this bill “... would give desperately-needed hope to young queer, trans and questioning students and their peers.” That’s pretty powerful, in my mind.

Those are some of the broad responses we’ve had. I also want to talk about some of the feedback that was incorporated into this bill, because I know the Minister of Education referenced “what we heard” documents. I just want to highlight information — the feedback that we got, as we consulted, really was incorporated into the creation of this bill. Some of the questions people had are: Should there be a requirement that students have to ask for a GSA in order for one to be created? That was a question I had, and it’s sort of what is reflected in the SOGI policy right now. I heard overwhelming responses from people that this was not a good choice, that these organizations and activities need to exist regardless of whether students ask for them, because it is an enormous barrier to ask a student to ask — to single themselves out and come forward and formally say, “I need this”. That’s just going to exclude so many students from this process.

Another piece of feedback that we got was about making it flexible so that it would work for all schools, and that is why we landed on the language of talking about activities that may include student organizations, because we acknowledge that there are schools of all kinds in the Yukon. There are big schools, there are small schools, there are rural schools, and there are urban schools, and our intent is that language around “activities” allows flexibility so that each school and each student body can make this their own and make it work for them.

So, we give those examples just to talk about the ways that feedback has been gained and how that feedback has been incorporated to create the bill that is under discussion today.

I also want to talk about some of the response that I have had in the last two weeks to this bill. I have had an overwhelming response. I have never gotten so many letters and messages and e-mails and calls about how excited people are about this bill, and that ranges from parents who are so excited that their children might get the support that they need, without having to be singled out and ask for it — I have talked to students who are ecstatic at the idea that this could be a reality for them; I have talked to adults who talked about how the GSAs for them were a lifeline at school; I have talked to adults who didn't have GSAs in their schools. They have told me things like: “I would be 10 years ahead in my journey if I could have had that support in high school.”

So, I have heard a lot of feedback, and I want to talk a little bit more about this idea of consultation, because I guess what is being asked for is a formal consultation. I would say that we have done lots of consultation that has been more informal, and I think that sometimes when we are talking about marginalized communities, formal consultation isn't always the way to go. The Minister of Education talked about the community consultations, run by communities or the Vancouver group, and there were a lot of great things that came out of those, but I also know people who aren't comfortable attending them. I think that asking people to show up and say things on the record for a consultation is a big ask for people who have very, very good reasons not to trust government and not to trust institutions, and I think that, actually, informal conversations — working through the relationships that MLAs have — is a very important way of reaching people who may not be reached by formal consultation.

So, I just don't want the conversation to say that is the only way we can talk to people.

Some of these concerns around consultation seem to be about potential unintended consequences of this bill. The Leader of the Official Opposition quoted my colleague, the Leader of the Third Party, talking about unintended consequences — and I would like to give a little context, because what she was talking about was a review of the *Civil Emergency Measures Act*. That is an enormous piece of legislation that affects all areas of the Yukon, that affects powers that are not usually given to this Legislative Assembly, that have huge, far-reaching implications — and I think that there is a lot of potential in a piece of legislation like that for unintended consequences.

The piece of legislation we're talking about today has — what is it? — three clauses, two clauses? Where is it? Yeah, it has three clauses. We're talking about three clauses of legislation here that I think are pretty straightforward. I haven't actually heard anyone talk about what these unintended consequences might be that we are so concerned about.

What my fear is here is that we're using consultation as a way to delay action. Students need this now. Students needed this a long time ago. If we pass this amendment, we are delaying the implementation — even the discussion of this bill — until well until the fall, after the next school year has started. That's a whole other year of students who will go without this support — and there is a cost to that. There's a cost to inaction.

We are talking about students who are facing enormous mental health challenges — students with rates of attempted suicide that are far beyond those of their peers. We are risking so much if we don't do this. Consultation is important, but consultation can't be used to avoid acting and to delay acting when the consequences are this serious. Our youth can't wait. They can't wait until next Sitting. They need this now.

All that is to say that I'll be voting against this amendment.

Hon. Mr. Streicker: I'll speak briefly to the amendment.

Mr. Speaker, when Bill No. 304 was introduced on March 23, you'll recall that was the last private members' day. On that day, we debated Motion No. 288, which was brought forward by the Member for Porter Creek North — I think on March 9 originally. Then we debated on March 23. Then at the end of the day, we began second reading on Bill No. 304. The Leader of the Official Opposition had the floor. I was interested to hear some of his remarks. He was talking about his perspective around private members' bills, and he said that his — quote: “... views have personally changed over the last number of years.”

He was talking about being supportive of bills coming forward — private members' bills coming forward. He referenced that previously he had been dismissive of those types of bills.

I thought, “Okay, that's good”, but that stood in contrast to the fact that Motion No. 288 saw all eight members of the Official Opposition rising to speak — the first time that had happened since we debated whether there was a state of emergency, and there was a filibuster for three days to get to that debate.

I thought to myself that maybe that was just genuine debate and now we are going to hear some serious debate about this. What is being recommended now in this amendment is to refer this to the Standing Committee on Statutory Instruments.

I looked back again and checked with the Clerk's office quickly to try to understand when the last time was that this committee had done any substantive work. The answer I got was 1987. That is 35 years ago. It might be before some of the Members of the Legislative Assembly were born.

I'm feeling that it would be better for us to have the debate here and talk about it. I agree with the premise that it is important to engage with Yukoners on issues, but I see that this

bill in front of us with a very specific amendment to improve our schools is very targeted, whereas the bill brought forward by the Yukon Party to amend the *Civil Emergency Measures Act* was rather broad. They had a specific suggestion, but there was a lot going on in there where it was blended from other pieces of legislation and it just needed a lot more work.

I think that it would be better for us to just move forward with second reading and to debate it here, as we are all here to debate it, and then move forward from there, rather than refer this to committee. I am not supportive of the amendment, and I hope that this is not an indication that the Official Opposition will be seeking to filibuster the bill today.

Mr. Cathers: I am pleased to rise in support of the amendment proposed by the Leader of the Official Opposition. If passed, the amendment would refer Bill No. 304 to the Standing Committee on Statutory Instruments. Mr. Speaker, you will recall that we recently proposed sending our own private member's bill to the Standing Committee on Statutory Instruments. As we have repeatedly stated, we believe that having more all-party committee discussion of legislation would be a good thing.

Mr. Speaker, you will recall that, during the Yukon Party's time in government, we supported the use of all-party committees to discuss proposed private members' bills, including Bill No. 104, *Smoke-free Places Act* — which was a private member's bill tabled by the late Todd Hardy, Leader of the NDP — and Bill No. 102, *Act to Amend the Human Rights Act*, which was a private member's bill tabled by a Liberal MLA.

We also supported all-party committees on the safe operation and use of off-road vehicles, whistle-blower protection, and the *Landlord and Tenant Act*. All of those committees held public consultations and recommended changes, including legislative changes, which were passed by the Legislative Assembly.

There are other good reasons for using an all-party committee approach for private members' bills. Due in part to the very limited amount of time during which a private member's bill can be debated in the Legislative Assembly, it is rare for a private member's bill to pass and become law. After having only a short time for debate, the member who tables it has to wait weeks before having another chance to debate it.

We have heard concerns and questions from some people about this legislation. We have also heard from people who support it. Having an all-party committee conduct public consultation on this proposed legislation would allow questions to be answered and allow all reasonable input to be considered. We urge all members to support referring Bill No. 304 to this all-party committee and tasking them to hear from Yukoners and report back.

Hon. Ms. McPhee: I will just speak to correct the record. I understand that the references being made by the Member for Lake Laberge are all important pieces of work that were done previously by this Legislative Assembly, but they made reference to special committees and not to the Standing

Committee on Statutory Instruments, which is being proposed here — just to be clear.

Speaker: Are you prepared for the question on the amendment?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Disagree.

Hon. Ms. McPhee: Disagree.

Hon. Mr. Streicker: Disagree.

Hon. Mr. Pillai: Disagree.

Hon. Mr. Clarke: Disagree.

Hon. Ms. McLean: Disagree.

Hon. Mr. Mostyn: Disagree.

Mr. Dixon: Agree.

Ms. Clarke: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Ms. Van Bibber: Agree.

Mr. Hassard: Agree.

Mr. Istchenko: Agree.

Ms. White: Disagree.

Ms. Tredger: Disagree.

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

Speaker: The nays have it.

I declare the amendment defeated.

Amendment to motion for second reading of Bill No. 304 negatived

Speaker: Is there any further debate on the motion for second reading of Bill No. 304?

Hon. Mr. Clarke: I rise to respond to Bill No. 304, entitled *Act to Amend the Education Act*, tabled by the Member for Whitehorse Centre.

We know that there is a significant amount of academic literature citing health and academic disparities among LGBTQ2S+ youth. This can be a result of school-based discrimination or unwelcoming climates contributing to lower academic achievements and well-being.

It is hard to be a youth gaining more responsibility, freedom of thought and opinion, and coming into your own. Being a youth is hard at any time, but particularly in these turbulent times with inflation, a pandemic, the unjust, unlawful, and barbaric acts perpetrated by Russia in the Ukraine, and a climate emergency — which are all currently in sharp focus. We know that it is even harder if you are marginalized.

Not only are youth undergoing substantial physical and emotional changes, but their parents and caregivers are also navigating the evolution of their children with uncertainty and

trepidation. This is all the more complex when the intersecting layers of identity, gender, and sexuality are considered.

Schools are a critical setting for youth development. It is where they spend the most time, after all. Everyone deserves safe access to education and a place where they are respected and celebrated for who they are and how they choose to identify.

Within society at large, LGBTQ2S+ youth find themselves faced with many barriers, including feelings of isolation. Within spaces designated clearly for them, they have additional safety and support to process their experiences and navigate their own unique identities as they come into their own.

This is also a space for allies and any youth in general who may be experiencing bullying or feeling marginalized for an array of reasons. As school-based groups, gender and sexuality alliances — or GSAs, as they are more commonly referred to — promote resilience for LGBTQ2S+ youth, as well as youth who identify as heterosexual. These are inclusive, supportive spaces.

We know that the presence of GSAs has grown on a national level. This presence, intended as a setting for youth to receive support, socialize, and engage in advocacy, is paramount to constructive and healthy overall youth development.

We understand more and more that youth in schools that have a GSA report greater well-being and safer climates than youth in schools without a GSA. This is meaningful data that tells us a story that we want to be part of.

While there isn't a one-size-fits-all solution for gender and sexuality alliances, we know that access to a GSA can be critical and potentially life-saving — life-saving because we know that LGBTQ2S+ youth experience higher rates of suicidal ideation and behaviour than their cisgender heterosexual peers. Statistics Canada reports that transgender persons in Canada were more likely to report their mental health as poor or fair than their cisgender counterparts, more likely to have seriously contemplated suicide in their lifetimes, and more likely to have been diagnosed with a mood or anxiety disorder. These disparities are unacceptable. They are unacceptable because it has been demonstrated repeatedly that a range of protective factors have been connected with lower rates of suicidal ideation and behaviour of LGBTQ2S+ youth: gender and sexuality alliances, LGBTQ2S+-inclusive curriculum, affirming school policies, familial support, peer support, and mental health interventions.

Schools offer a unique opportunity to support suicide prevention by combatting minority stressors through promoting positive social relationships and a safe community for LGBTQ2S+ students.

We need to ensure that allies can indeed have a place, or perhaps a particular role, in these groups to help support the community and to continue to break down barriers. We all have a role to play when it comes to diversity and inclusion. We know that it takes a village.

Ongoing efforts to study GSAs stand to contribute to the larger aim of promoting the healthy development and support of all youth. Consistent with this approach, the Third Party has

not made this act particularly prescriptive, ensuring that every school can design their gender and sexuality alliance in the most positive and customized manner to fit their community and context. This is important as we know that every school is unique and will have different needs in order to meet its own distinct deliverables. It has been clearly demonstrated that GSAs have an empowering, motivating effect, particularly on personal relationships and overall social empowerment. GSAs have the potential to nurture the leaders of tomorrow.

GSAs are agents of change and they have the ability to showcase what inclusivity and, by extension, what a brighter, more collaborative future looks like. Allies to LGBTQ2S+ youth can find space in a GSA to unlearn gender constructs, discover critical thinking strategies for the first time, and take their first steps toward what it means to be a true ally at school and beyond.

We know that, most often, allies are given a so-called “free pass” to enter a space in which they are automatically privileged and may take for granted, or even expect, that their privilege goes unnoticed and unexamined; however, the failure to acknowledge and examine unearned privilege as power actually reinforces that power. True alliance to the LGBTQ2S+ needs to be accompanied by examining heterosexual and/or cisgender privileges. GSAs certainly contribute to unpacking these complexities.

Scientific studies indicate that greater GSA functioning is beneficial for all students in schools that have a negative school climate toward anything outside the status quo, and they are particularly protective for transgender students. Just a few weeks ago, there was footage of more than 500 students participating in a massive walkout at a high school in Orange County, Florida in protest of HB1557, entitled *Parental Rights in Education* bill, which was given final passage by Florida's legislature earlier this month. This bill is also known as the “Don't say gay” bill. Many of those kids — children and young adults — were walking out in solidarity with their friends. This was indeed such a hopeful sight.

Mr. Speaker, in recent months, there have been more than 150 anti-LGBT bills that have been introduced at various state legislatures in the United States. This is, of course, a disconcerting trend. It is especially upsetting when you think about how this has been a dynamic decade in terms of LGBTQS+ awareness and acceptance. Increasing visibility in pop culture and the media brings some issues that this community faces to the forefront, and school climates can and must reflect these same issues.

In the mid-1960s, same-sex relationships were deemed illegal by the courts, seen to be a sign of illness by the mental health establishment and sinful by religious institutions. Society is steadily progressing and moving toward greater inclusivity in the educational environment — and inclusivity in the educational environment is absolutely necessary and an important priority for our government.

Unfortunately, too frequently, students continue to be harassed and remain closeted. LGBTQ2S+ students in same-sex relationships are prohibited, in some jurisdictions, from tactile freedoms — tactile freedoms that are granted

routinely to hetero couples. The *Hall v Durham Catholic School Board* decision was rendered 12 years ago. You will recall that this was when a Canadian teenager successfully took his school board to court after he was barred from bringing his boyfriend to prom. It must be noted, however, that still, LGBTQ2S+ couples rarely attend their graduation events or proms together, even today. This needs to change.

In the mainstream literature curriculum, there is a noticeable absence of reference to gay, lesbian, or transgender authors and characters in plays, novels, and poetry. In social studies and other classes, LGBTQ2S+ persons and events — both historical and contemporary — are seldom, if ever, recognized and highlighted. It is not, Mr. Speaker, a task that is easily accomplished, nor is it likely to be effective without buy-in and involvement by a wide spectrum of stakeholders.

That is why I urge all members of this House to vote in favour of this important amendment to the *Education Act*.

I would like to quote a person identified as “Elliott” — an eighth grader — quote: “The first day of the GSA at my school was probably the most memorable. It was early in the school year, and my best friend and I had been collaborating with the faculty advisor for a few weeks to prepare for the first meeting. When the day finally arrived, we all walked into the classroom. The advisor had us go around and introduce ourselves by stating our name, grade and pronouns and then told everyone to stand up. She then said that if we wanted cupcakes, we had to dance to loosen up. Now, I usually don’t dance in front of people, especially at school, but for some reason, during that first meeting, I danced in front of friends and complete strangers...for some reason, I trusted them. Perhaps it was the common ground we shared that allowed me to feel comfortable around them in that moment.”

All of that said, I would like to add that research indicates that participation in a GSA for young students cannot offset other negative impacts of hostile school climates for LGBTQ2S+ students. It is vital that school staff and administration support other efforts and issues that have been shown to be beneficial for LGBTQ2S+ students in addition to GSAs.

Implementing LGBTQ2S+-inclusive curricular resources must be paid attention to, as well as policies that are explicitly supportive of LGBTQ2S+ youth, such as anti-bullying policies that include protections based on sexual orientation and gender identity, as well as policies that guarantee transgender and non-binary students the right to attend school and access facilities as their affirmed gender identity, rather than their legal sex.

In the previous Assembly, to give credit where credit is due, my recollection in Bill No. 9 — conversion therapy debate — I recall that the current Member for Watson Lake graciously thanked GSA students who petitioned for having this objectionable practice banned.

Mr. Speaker, let us continue to embrace this positive change — this declaration of common ground — and demonstrate true caring and unconditional support for all Yukon students and youth. All of us benefit from a more inclusive society.

Mr. Speaker, I will be voting in favour of Bill No. 304 at second reading. Again, I would like to thank the Member for Whitehorse Centre for bringing this amendment to the *Education Act* forward.

Hon. Ms. McPhee: It is my pleasure to have the opportunity to rise today with respect to Bill No. 304. I can indicate that it is my pleasure to speak to this. I think there’s a perspective about designing and amending and drafting legislation that I’m happy to speak to, but I should first, I think, recognize that Bill No. 304 is an act to amend the *Education Act*. I certainly note the distinction or the context that the Member for Whitehorse Centre was trying to make when making reference to the Leader of the Third Party’s comments and distinguishing those, but I don’t think that the reference to the *Civil Emergency Measures Act* — although, of course, it is broad and has lots of authority in it — I’m going to just note that I think the *Education Act* is equally as important in a different way.

Certainly, it is broad. It is the governing legislation and law with respect to how we run schools, with how children are — given the responsibilities of the government — to provide education for every student in the territory, and the responsibilities there for government to have children educated in a way that best suits them and meets their needs.

This bill has been aptly spoken to by my colleagues, the Minister of Education and the Minister of Highways and Public Works. They have very clearly outlined our government’s support for, and leadership on, making this territory truly inclusive. It is something that we are very proud of. It is something that we have been dedicated to as a team. It is something that we have spoken about on many occasions because of our personal experiences, because of the people who sit on this side of the Legislative Assembly.

I am quite disappointed in the accusations and insinuations that have been levied in this Legislative Assembly earlier in this Sitting that we are somehow not committed to this work. The work of supporting all Yukoners and the work of supporting an inclusive society is something that we have been dedicated to. We have done extensive work in this area, because it is something that we all truly believe in.

We have engaged with community. I will speak a little bit more about engagement. We have engaged with community members, and we have budgeted funds to support inclusive organizations to build better community.

We have, as mentioned by the Minister of Education and the Minister responsible for the Women and Gender Equity Directorate — just the renaming of that directorate, that organization, that part of government, I think, is critical. It was done at the leadership of the minister. It is certainly something that was supported by all of us. It is a move that has never been considered, I dare say, by the Yukon government before, and it is one of the true pillars of leadership to speak to every Yukoner every day when they’re making reference, or getting service, or thinking about that particular part of government — because the name must be inclusive and the name now is inclusive. That’s just one tiny action, but an important one nonetheless.

We've developed an LGBTQ2S+ action plan — something that has truly never been considered by a Yukon government before. We have changed the laws. We have brought forward, as mentioned by my colleague, the conversion therapy, or anti-conversion therapy, legislation which now exists here in this territory — a leader in Canada yet again.

We have brought forward changes to the *Human Rights Act*, the *Family Property and Support Act* — I can go on and on and list others. These actions are to name but a few of the real actions with real impact on the lives of Yukoners that we have dedicated ourselves to, continually brought forward. I'm going to say — I think, with some confidence — that we have had a bill or a piece of legislation and certainly regulations during every Sitting of this House since we became government back in 2016 that have dealt with issues to be more inclusive, and we will continue to do this work throughout our time here in government. And because I know all of the people sitting on this side of the House, I know we will continue this work throughout our lives.

I am very pleased to have the opportunity to make this commitment crystal clear lest there be any doubt of our commitment as a government to these issues — to inclusivity, to making the lives of all Yukoners better but, in particular, to making the Yukon society an inclusive one.

Mr. Speaker, I just want to make one more correction that I would like to note here, as I address this bill today. Earlier in this legislative Sitting, the Member for Whitehorse Centre stated that a letter that was written to me on November 5, 2019, by the Porter Creek Secondary School Gender and Sexuality Alliance, was never replied to. Now I know — and I note that the Leader of the Third Party has corrected that information and has apologized for that error, but it is extremely important to me in a personal way that I note that this was not correct.

The Member for Whitehorse Centre was clearly given incorrect information. The response from me to that important correspondence was dated November 20, 2019, and it was addressed to the gender and sexuality alliance and delivered by e-mail to Mr. Jason Cook, who was recently visiting us here in this House. It is important to me because of my dedication to answering all correspondence, as our entire team has that value and that practice, but it is incredibly important to me because I know very clearly that the energy, effort, and confidence that it took for that group of students to write to me and express their opinions not only deserved an answer, but it deserved a quick, detailed, and comprehensive answer. I recall that, as part of that letter, they asked to meet with the Minister responsible for the Women and Gender Equity Directorate and me. We, of course, said that we were pleased to do so.

As I have said before, changing laws is an important method for societal change. Sometimes changing laws comes as a result of an opportunity for citizens to speak to their government and say that this is something that we want to have happen. In other cases, it is a matter for leadership. It is a matter of government saying that this is our priority, this is our platform, and this is what we think should be a direction taken for a society or a community, and it directs transformation in

that way. It leads the way, and it also entrenches values and direction for government and embeds them in society.

However, consideration must be given to what tool is the best one to effect change. If an assumption is made that changing legislation is always the best way to do this or to make change in any way, that would be incorrect. As legislators, we must understand the full impact of what method is being chosen. There are actually many tools in the toolbox, and we must choose the right one. In order to choose the right one, the issue, the concern, or the problem must be properly formulated. We must ask ourselves: What is the problem that we are trying to solve, or what is the issue that we are trying to address?

To fail to do this and to answer a question in a real way can result in unintended consequences. We have heard some comments about those already — or it could lead to issue creep, or it can lead to a solution that does not actually solve the problem, or it creates more issues than it solves.

I think that it is important to note that the development of good, comprehensive, solid legislation requires a comprehensive policy analysis and a legal analysis in order to provide formal advice on any proposed amendments. The reason I am speaking about this today is because I appreciate and I know — and I have just very clearly said — that the Members of the Legislative Assembly who sit on this side of the House support this legislation for all the reasons that the Minister of Highways and Public Works spoke about — or the Minister responsible for the Women and Gender Equity Directorate. I know that it is the case, but that doesn't take away from the fact that, in order to do this properly, we must be careful. We must take care, and in order to take care, we want to always make sure that we are developing good, comprehensive, and solid legislation that actually solves the problem. I say this in the development of legislation and also with respect to the amendments of legislation because that is important.

Ultimately, approving amendments to legislation prior to undertaking a policy review and analysis could result in unintended consequences, and that delays the changes that are needed and that would result from a thorough review and analysis. By way of example, if the goal is to develop a piece of legislation, regardless of the topic — and that is the goal — then you have chosen the tool already. You haven't designed a review of the problem or designated the problem in a way that you would then say that the problem is: Are students inclusive? Are they being included in their schools?

It is probably a bad example because that is the debate that we are having right now, but let's say that it is another problem. If we choose the fact that we want legislation before we decide what the actual assessment of the problem is, then we have already taken two steps ahead. The process for developing or amending good legislation means that you must undertake a policy review and you must analyze: What are the questions that I have already noted? What is it that we are trying to do? What is it that we're trying to solve?

Any review of legislation should be completed in a comprehensive manner. This is especially true because we must take into account the total act and all of its interconnected

provisions. A single piece of legislation — some are more simple than others. Certainly, my submission to this Legislative Assembly is that the *Education Act* is not a simple piece of legislation. It is interconnected. It deals with responsibilities of people who work in the system. It deals with responsibilities of the minister. It deals with responsibilities of school councils. It deals with responsibilities of school communities. There are definitions of each of these things. It deals with — as we know in relation to Bill No. 304 — responsibilities of principals. As such, any review or amendment of legislation has to take into account all of these interconnected provisions.

If a review of legislation or if a proposed amendment is to be the preferred approach, experts generally conclude that a review begin, as I've noted briefly, with the delineation of outcomes, issues, and successes. So, identify the problem. The scope can be fully delineated and researched and analyzed to develop informed solutions. What will be the outcome of choosing path A, path B, or path C? If the analysis suggests that an act should be amended or that new legislation should be prepared, a legislative exercise can then be undertaken.

Copying legislation from one jurisdiction to another is not a good way to go. We have said that so many times in this House in relation to motions to certain pieces of legislation that have been proposed. It can result in unintended consequences because the legislation in Manitoba is not the same as the legislation in Nova Scotia or the legislation here in the Yukon.

Amending legislation requires us to be informed by what we have learned about an issue, about a topic. A review should include research to include the approaches that are taken in other jurisdictions. I'm not aware of whether or not Bill No. 304 comes to us having had research or what's commonly known as a "jurisdictional scan".

Jurisdictional scans require engagement with other jurisdictions to gain insight into the scope of their legislation, their regulations, their policies, their procedures, the approval process, and so forth. Not all jurisdictions have similar legislative context, which makes the need for engagement essential in order to understand the mechanisms used by others to respond to an issue or a problem, as well as whether or not those mechanisms are effective.

So, identify the issue, determine what the right tool in the toolbox is, and then look to see what the outcomes are that we're seeking and if those choices will get you there. In other words, relying solely on the laws as they are currently written could result in replicating issues or maybe even not addressing an issue or a problem.

The importance of engagement is something we discuss many, many times here in the Legislative Assembly. In the territory, engagement with Yukoners, with First Nation governments, with businesses, with NGOs, and with others about their experience — a good example, with respect to Bill No. 304, would be with students, with educators, with principals, and with individuals who work in our school system and in our school communities. Engaging with them about their experiences is critically important and should be completed prior to amending existing legislation or creating new legislation.

I appreciate that the Member for Whitehorse Centre has said that she is engaged in an informal way with a number of people. I appreciate that the members opposite have letters of support from certain organizations. I appreciate the one from the Yukon education professionals — in their new title — but I'm aware that there are almost 500 teachers in the territory. I'm not suggesting for a second that you would go and speak to each of those teachers, but it is important that they have an opportunity to speak on these issues.

Informal engagement, I dare say, will not be sufficient for the members opposite should the government come and say that we've done informal engagement on a bunch of things or on a piece of legislation, but I appreciate that there will be a question for the member opposite who is bringing forward this bill — and a valuable one.

The information is essential to understanding how legislation works, the concept of the engagement, what obstacles the legislation presents, and whether changes should be made and how we will do that. Engagement is also required to consider the context in which the changes will be made. In this case, what do the schools want? What do schools already have to support their LGBTQ2S+ students? How might they be able to achieve the spirit and the intent of the legislation? How will it actually work on the ground? Should it apply to all schools in the territory? To junior or senior high schools only? What about schools in small communities like in Burwash Landing with under 10 students or schools like Grey Mountain Primary School with only K to grade 3?

I know that these things will be worked out, but these are the kinds of things that are required when you are bringing forward legislation — to think about the actual impacts on how it will happen.

Changes to any legislation should not be contemplated in isolation, and I guess that is what I am really saying. A review should consider how to best balance the risk with the accountability and the transparency, and the timeline for response should always reflect upon the context and provide the flexibility that is required.

Thank you very much, Mr. Speaker. I appreciate the opportunity to speak generally about the implications of determining —

Ms. White: It is interesting — it is interesting to be here today to talk about this and this topic especially, Bill No. 304, *Act to Amend the Education Act*. It is interesting because I have just heard the Minister of Justice do a long laundry list of all the reasons to vote against this legislation. All the reasons why — maybe she was more in agreement with the Yukon Party about sending it to committee.

What I would like to say is that the reason why we are bringing this forward is because policy hasn't work yet — because we need more than policies that haven't worked. The SOGI policy initially came in under the Yukon Party government in 2012, and I am going to read excerpts from a *Yukon News* article from 2013. I just want to say at the outset that I have had a conversation with both the student who is mentioned in this article and her mother, because this is where

policy didn't go far enough. The effect of what happened to this human was because the government wasn't there to support. So, the title of the article is "Vanier student says school ignored harassment" — quote: "When 16-year-old Shara Layne walked up to her locker at Vanier Catholic Secondary School in October, what she found scared her so much she had to leave school, and hasn't been back since." So, that is the headline. "I looked up at my locker and the word 'faggot' was carved into my locker. It was spelled wrong," Layne said.

"Worse than the graffiti itself, Layne said she was stunned and hurt by how the school administration responded to the harassment.

"Me and my friend went to the office to tell the principal and he just laughed in my face, and said he's not going to do anything about it," she said."

"He was like, 'Ha ha, someone wrote "faggot" on your locker? Why would they do that?'"

Layne is openly gay, but according to her, her principal was indifferent to the graffiti.

"I asked him to figure out who it was, and he said he wasn't going to do anything, even though they have security cameras," Layne said.

"Layne called her mother, Leah White, who immediately contacted the school, but the principal also told her he wouldn't do anything right away.

"They said they needed to secure a paint that would match the colour of the locker," White said."

The principal didn't return calls for comment by press time.

"The graffiti was visible for a week until one of Layne's teachers and his class took it upon themselves to cover the offensive word with a poster and supportive messages.

"It was wonderful for the teacher to do that, to cover it up. For another teacher to take this on, that's a really positive thing," said White, adding that in her and Layne's experience, many teachers and students at Vanier don't share the church's conservative views toward homosexuality.

"Even so, the ordeal has left Layne with extreme anxiety and panic attacks. She said she can't stomach the thought of going back to the school because she still doesn't know who her tormentor is. The principal never bothered to do any investigation, she said.

"Before the incident, Layne had been on track to graduate a semester early. Instead, she'll enroll at Porter Creek in September, but that still leaves her almost a year behind. She likely won't graduate with her own class.

"I'm not going back to that school, ever. Not even to clean out my locker," she said.

"Vanier's policy on sexual orientation and homosexuality came under fire last week after the News reported that a policy document posted to the school's website labels homosexual actions 'intrinsically disordered,' and a 'moral evil.' It also violates the Department of Education's own policy on sexual orientation and gender identity." That is the SOGI policy, Mr. Speaker. "The department has since told the school it must remove the policy from its website and redraft a new one.

"Layne and her mother said that the school's response to Layne's harassment is proof that the policy is shaping action and opinion at the school.

"Layne came out in August. She said that it was an easy decision, and she never expected the school would treat her the way it has.

"It wasn't that hard. I thought the school would be pretty accepting because they were years before, but ..." she said, trailing off.

"She wasn't even allowed to hold her girlfriend's hand, she said, even though the same restriction doesn't apply to straight couples.

"Layne said the Catholic Church's position on homosexuality is not just a guiding principle. It is also being preached in classes at the school.

"They are definitely teaching it. I've heard some of the new teachers say that being gay is wrong. In class they were talking about abortion and saying it's like genocide," Layne said.

"Although Layne doesn't plan to return to Vanier, she'd still like an apology from the school's administration.

"I guess I want an apology at least — them saying that they messed up. They need to make the school better for gay kids. My friends were pretty outraged that this happened," Layne said."

That's from an article dated March 6, 2013.

I just want to share some stuff from an access to information — from this very same school. This is dated February 1 at 11:41. I'm just going to read excerpts because we don't need to really get into it.

Let me just give the context. This is about a bulletin board with a sign that says "Love is love" with a pride flag. This is what this discussion is around — "Love is love" with a pride flag. This would fall under what we're asking for. It's an activity. It's a bulletin board that is welcoming and inclusive.

So, this is from one of these e-mails: "So, I told them that a bulletin board-sized rainbow flag that has a heart in the centre with the words 'love is love' was too provocative and did not reflect the, admittedly nominal, Catholic ethos of the school."

That's that being denied there.

This is another one from February 3: "There really is no balance ... as the legislation is clear, and there is no interest in accommodating any of my concerns. While I do not know exactly what they are planning ... it does involve a bulletin board display with a rainbow flag and the slogan 'love is love'. Doubtless there will be some other paraphernalia handed out like rainbow tattoos and I don't think they have picked location ... Meanwhile, rainbow flags are proliferating in the hallways, which tells me where we're at with this."

February 4: "The GSA can put up their bulletin board wherever and however they like. I tried to engage in a conversation about the appropriateness of such a display at our school. They asked if I would approve. I said not as it is. I suggested ... something less brazen that lines up with the church teaching."

Less brazen than "Love is love" with a rainbow flag — less brazen than "Love is love" with a rainbow flag — so, when the

Minister of Justice asks if this is the right move, I would say that maybe if the policy was strengthened, maybe this wouldn't be where we were. She did get a letter from the Porter Creek Secondary School Gender and Sexuality Alliance in 2019 that had concerns. She did respond. I have apologized. I apologized in a letter. I sent it to her. I tabled it. I apologized on the floor. But the concern still exists. They've asked to meet with the current Minister of Education with their concerns around it.

I was listening to the Leader of the Yukon Party talk about consultation and my statement around the CEMA amendments that the Member for Lake Laberge brought forward. I appreciate where my colleague for Whitehorse Centre was going, and I don't think she meant "the legislation" but those amendments — there were unintended consequences with those amendments; there could be. What we're asking for right now is — this is going to amend, I believe, section 169 of the *Education Act* where it talks about what a principal must do. It's just going to put it right in there — just this little bit about making schools safer and more welcoming for LGBTQ2S+ students.

So, it's baffling to me that we're having this conversation in 2022 and that we still need to talk about how to make sure that rainbow youth feel safe and supported in Yukon schools. I can say that the student from 2013 — she's just about to graduate from her program; she's doing well, which I'm really excited about, but there were a lot of hard years. It still affects her and it still affects her mom. Had that school been required to do things differently, she would have had a better time.

So, we're still talking about this because we know that rainbow students leave our schools every day feeling defeated, demoralized, and like they don't belong in their schools. You might ask how I know this. I know because they tell us — because I've been told that. But fortunately, they are also telling us what they need in order to make things better for them — ways to make their schools safer and how to ensure that they feel heard and supported.

What we're talking about here this afternoon is the outcome of a group of two-spirit and queer youth asking us to help them make schools safer for all Yukon students. This came down from a conversation in the Rainbow Room. This is where it started. It was in direct response to the selections of those e-mails that I read — where they were worried about other students in other schools. This came from that conversation. There are many things that those of us who are cisgender, heterosexual politicians don't know and what we will never know about the queer experience. We know that data regarding 2SLGBTQ2I+ Canadians is limited, but there are some things that we do know about, and I am hopeful that we can all agree on these issues.

We know that rainbow youth face unique challenges on a daily basis, and we know that their sometimes troubling realities are exacerbated by other intersecting factors, including ethnicity, abilities, age, and socio-economic status. We know that students whose names and pronouns are not respected and honoured are at a higher risk of depression, self-harm, and suicide.

Mr. Speaker, 10 years ago, I didn't start conversations by telling people my pronouns, and it was kids who taught me the importance of using my pronouns. I have to tell you how hard it was to sit in a room with teenagers when they told me that their preferred pronouns were "they" and "them" — their "preferred pronouns", not "their pronouns". We had a conversation and I said: "It's not your 'preferred pronouns'. What do you want me to call you? What are 'your pronouns'?" They and them. It is why we have changed our signature — so many of us — on our electronic signatures, why we include pronouns — because we all recognize how important it is to recognize someone's identity, someone's self.

We know that members of the transgender and non-binary communities face higher rates of violence and abuse. We know that mental health challenges persist for two-spirit and queer youth. It is part of the reason why we want clinical counsellors in every school.

We know that for many rainbow youth, school is the only refuge that they have from families and communities that reject them because of their sexual orientation or gender identity. For a lot of kids, school is that safe place.

We know that in 2022, despite all the advancements to date, discrimination still persists — right there in that e-mail from February this year. So, how are we — the people charged with protecting and supporting and educating rainbow youth — setting these young people up for success? Well, I think that the hard and sad reality right now is that we aren't. We might be trying, but I think we can try harder because, as it stands right now, some of these rainbow youth are leaving our schools utterly traumatized. We send them into a world where they may face higher rates of homelessness, substance abuse, violence, sex work, physical and psychological illness, and some will unfortunately turn to suicide.

So, I believe that what we need to do right now is that we need to help rewrite these outcomes, and today's amendment to the *Education Act* is a step in that direction. The Minister of Justice asked about small schools with populations of 10 students. That is why we included activities. That is why we didn't say that they had to be student-led organizations because it could be a tea; it could be a picnic; it could be a parade; it could be posters. It could be one bulletin board that is always going to be that safe place. It could be a rainbow flag in the principal's office — any of those things. Any of those things go a long way.

So, in 2022, we cannot allow that there even be a single school that doesn't permit rainbow youth to hang their pride flag. You know, I would like to say that even if no youth have identified themselves, we should be hanging those pride flags — that they should be there, and if kids have questions, we should be able to answer those questions.

Mr. Speaker, I believe that we, the people in this room, need to do everything possible so that these young people have a chance at being successful in a world that is going to throw a lot at them. Let's build them up right now so they're more resilient. You know, according to our *Education Act*, all kids have the right to an education, and we believe that these kids — these rainbow kids — have the right to an education. But

like we heard from 2013, rainbow youth are not going to attend school if they don't feel safe, and that's a fact.

Fortunately, we have seen some success on this front in the Yukon. Porter Creek Secondary started its Rainbow Room program in April 2019. The Rainbow Room is Porter Creek's first safe space. I think the really incredible thing is that, because of the success of the Rainbow Room, we've now seen the development of a cultural room being supported by the Yukon First Nation Education Directorate, and it is also a safe space. But the Rainbow Room is a safe space for any of the school's students to go and just be. They don't have to worry about judgment or bullying. They can just be themselves and connect with other kind-hearted students who are just like them.

I can tell you that I have attended — I have gone to Porter Creek prior to this, and I have gone to Porter Creek since this GSA started. I can tell you, it feels different. In every hallway in that school, there are posters — ones that celebrate "Love is love" — there's all sorts of information in that school, and it feels different.

You know, Porter Creek Secondary School also formed a Gender and Sexuality Alliance. The GSA is a student-run group within a school that unites rainbow and allied youth to build community and organize around issues impacting their schools and communities. What a powerhouse this group of kids has been over the past few years. It was this group that advocated for the Department of Education to modernize and fully implement its sexual orientation and gender identity policy, which I've mentioned — a policy that was created in 2012 as a knee-jerk reaction to an instance of homophobia that occurred at one of our secondary schools — read the article, only to be left dormant — we've heard that from the kids.

This group also worked with GSA students from another area high school and successfully petitioned the Yukon government to ban conversion therapy here in the Yukon — thus becoming the first territory to do so. That was a good day. That was a good day in this Assembly.

Research confirms that GSAs have a positive and lasting effect on rainbow students' health, wellness, and their academic performance, but we recognize that a GSA won't work in every school, thinking about those with small student bodies, which is why the amendment speaks to activities relating to gender, gender identity, gender expression, and sexual orientation.

The isolation of COVID has had a devastating impact on the mental health of two-spirit and queer youth around the world, and rainbow youth in the Yukon were not immune, but we find that rainbow youth at Porter Creek Secondary School are thriving because they actively have support. Is their situation perfect? No, but is it better than it was three years ago? Absolutely.

All Porter Creek students are benefiting from this hard work. Without a doubt, it has been a team effort. Their success required a supportive administrative team and staff willing to put in the effort to learn, even when they were learning about what was sometimes uncomfortable. What Porter Creek Secondary School has done is achievable in any school — I believe that.

The Porter Creek Rainbow Room program has saved lives, and now those students are asking us — they spoke with my colleague, the Member for Whitehorse Centre — and they have asked us to help save lives of other rainbow students around the territory, because that's what this is all about today. That's what it's about. It's about young kids — in some cases, very young kids. I can say, Mr. Speaker, that I have some wee friends in elementary school who are trans, and it's pretty phenomenal to see when schools are open and welcoming places and those kids aren't excluded, their pronouns are respected, and their identity is respected.

It is 2022, and I don't want to have this conversation again in 2024 or beyond. I believe that, right now, the best thing we can do to honour Yukon's rainbow students is to pass this amendment and to give them the support that they need.

Hon. Mr. Silver: Thanks for allowing me some time to add my voice to this extremely important debate. I won't necessarily come and defend the Minister of Health and Social Services — she needs no defending; that's for sure. I know which way she's voting on this bill, and I know why, but it does behoove us to make mention of consultation.

We've been lectured by members opposite — put on notice due to exactly the same thing on consultation just this fall. So, we are noting that, yes, consultation is extremely important on this side of the House; however, we are also bending over backwards to support this bill. We've helped to ink it. At every turn, we have worked in coordinated fashion with the NDP because we believe strongly in what the bill serves and what the bill does.

We are going through this process. We will identify that maybe even an amendment to a bill isn't necessarily the quickest or regular process that we would do in order to accomplish the same goals. But again, we are moving past those boundaries because of the importance of what this says here and now today. I agree with members opposite that it's almost ridiculous that this is the state we're in right now — where we have to push these things through in bill form.

The incident that the member opposite talks about with the "Love is love" poster — yes, I can't agree any more how heart-wrenching it was to see and to hear about some of the reactions in that school, in that time frame. But I will say that our phones rang off the hook with support for the LGBTQ2S+ community and the alliance — more so than normal, regular, everyday things, I guess is a good way of putting it.

Our phone also rung off the hook with the St. Valentine's Day post that was put up in its stead, which was deplorable.

But I digress. That incident, I will say — there was a public meeting led by the school community with hundreds of community members, parents, and educators in attendance showing the support and showing the need to move forward.

Here's why I'm voting in favour of this bill. I've been out of the classroom as a teacher for over a decade now and out of the classroom as a high school student for too many decades to count. I remember that, when I was in grade 12, there was a yearbook company that came into our school. We were all

shuffled into the AV room for a video presentation, and it was a pitch to buy yearbooks.

It came with a slogan that high school is the “best years of your life”. I know I was mortified, and that’s as a cisgender white male, living the life of Riley at that time, and there’s no way that these are the best years of my life. This is the beginning of my life, at best. So, that was for me. My friends of the LGBTQ — I shouldn’t say my friends of the LGBTQ2S+ “community”, because there wasn’t a community then. For my gay friends — at that time — it was an even bigger insult that these would be the best years of your life, because these years for those folks were absolutely horrible. There were no advocacy groups at that time. You were on your own, and usually in the closet as well to everybody except for close friends and family, if you were lucky.

I did a lot of drama. I did drama classes from grade 7 to grade 12. I guess I liked the stage back then, too. I did music club, and those two clubs were where that community actually felt maybe some sort of support. Folks who are attracted to drama or to music usually are also attracted to people who are of different opinions, different backgrounds, different — right? Embracing what’s different — and that’s what I saw in these clubs. These were the closest thing to an official support group that our gay community back then had simply because these folks didn’t have issues with somebody from a different sexual orientation or a different background and were more interested just in people who were interesting — period.

There was definitely plenty of “normal” in all pockets of our overly hetero Catholic Scottish town. It was definitely a different time. To stand up for any reason was frowned upon. Diversity could be summed up by a Blues Brothers’ quote: “We have both kinds of music here — country and western.” That was pretty much it. My father was Protestant. We didn’t talk about that because that was different from Catholic, so those were the surroundings of a very quaint, good community, but diversity was definitely frowned upon, I would say.

We were lucky. I grew up in a town that had a university, so even though we didn’t have a lot of money, we had an opportunity to go to university — save some money by going in your home town. In that university, they had an institution called the “Coady International Institute.” There were students from every developing world on the planet that came to StFX. They would flock to this small Catholic town to study cooperative community development.

The reason why I mention this is that this first year of university, for me, was a game changer. It really was. You met so many people from so many diverse backgrounds and walks of life in that small town. The reason why I mention it is that, if we live our lives surrounding ourselves with just like-minded people, we rob ourselves of understanding the real world, the true human condition, and the real struggles of a more diverse sector of our own community.

In my first year, I took sociology courses and studied theories about why humans are fearful — why people become racist and why people become sexist or homophobic. As a species, to be able to make it through evolution to where we are today, it did help that species to fear the unknown back when

you could have been lunch for some other predator. So, to fear what you didn’t know was a survival instinct. I learned how that developed stereotypes in modern life. When we fear the unknown, we draw ourselves in. In drawing ourselves in, we surround ourselves with like-minded people. In doing so, we do rob ourselves of understanding the diversity all around us.

These alliances and organizations — everything to just a principal having a flag in an office, as the member opposite mentioned — are so important for normalization — not only to our LGBTQ2S+ community, but to all the high school students and all the members of our community at large to reduce the unknown — reduce the fear of the unknown — to show unity and to normalize a more healthy and more accepting opinion of things like gender identity.

When we show through our policies more space in our schools for more diversity, then we show more love to more fantastic people who definitely did not have that space when I grew up.

This is extremely important. I understand, in general, why consultation is important, but I will counter what the Yukon Party is saying as far as consultation to say they spent a whole afternoon filibustering us being able to talk about this bill two weeks ago. Without that, I might take them on their word.

I guess I’ll end by asking what they’re afraid of.

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

Does any other member wish to be heard?

Ms. Tredger: I’m going to start by thanking all my colleagues for the debate today and before. I really appreciate us having the time to discuss this and having the time to talk about this bill, which I think has the potential to make really meaningful changes for youth.

I’m going to start by responding to some of the questions and concerns that I have heard raised during debate.

I talked a little bit, when I was speaking to the amendment, about the consultation process that we went through. I’m not going to go into too much detail here, but I do want to say I was a little offended that it seemed — about the idea that we just kind of slapped this together without thinking it through, so I want to talk a little bit more about the process.

I think I said already that this started with conversations with youth. So, we started, as the Minister of Justice suggested, with a problem that needed to be solved. Their concern was that they had support while their peers did not have support, and they felt that was really essential for them.

There was a reference to people making an assumption that changes to legislation is the only way to make change. I do not think that is true. I think there are many ways to make change. Frankly, this bill could have been a policy. If it were a policy, we wouldn’t have this discussion today. If, in the last six years, this had been made into policy, we wouldn’t be talking about this today — but it wasn’t.

For however many years of all the governments before, this has not yet happened. We still have youth without support in our schools. So, when this concern was brought to me — this

is the situation; this is where we're at — I looked at the tools that I have available to me. My caucus looked at the tools that we have available to us, and the tools that we have available to us as MLAs is to bring forward legislative changes.

So, that is what we have done. In response to a problem, we looked at the options and brought forward the change that we are able to effect. We did that with a lot of discussion and a lot of conversation with stakeholders. We listened to their feedback and incorporated it into the bill in ways that I have mentioned before and presented this bill here to the Legislature. So, that is how we got to where we are today.

I think that, when I made my opening comments — well, since then, I have been asked a number of times: “Why is this important?” I think that sometimes I forget that it is obvious to me why this is important, and it is obvious to people in my community why this is important, but it is not necessarily obvious to everyone. So, I just want to spend a little bit of time talking about why this is so critical.

I am going to start by talking about the global context, which one of the members did mention previously. So, we are in a time where we are seeing attacks on rights of LGBTQ2S+ people and, in particular, youth. It seems that people's resistance is really playing out in youth and in attempts to control youth, to constrain youth, and to prevent them from having the freedom to live their lives and to access supports.

In Texas, we have seen a recent bill passed that defined gender-affirming medical treatments to transgender youth. They said that this constitutes child abuse under state law. They stipulated that doctors, nurses, and teachers are now legally required to report parents who help their children access this kind of care to the Department of Family and Protective Services to be prosecuted. In response, Texas hospitals have stopped providing this care. We are even talking about things like puberty blockers, which are used all the time in straight children — are very well-researched and shown to be safe — and suddenly, if you are straight, that is fine, you can access medical treatment, and if you're trans, you can't. If your parent tries to help you access that treatment, they risk having you taken out of their care. They are not even allowed to leave the state to help children access this treatment, and that is terrifying.

As my colleague mentioned, just over a week ago, Florida passed the “Don't say gay” law, so this prevents classroom instruction by school personnel or third parties on sexual orientation or gender identity. It says that they may not occur in kindergarten through grade 3 or in a manner that is not age-appropriate or developmentally appropriate for students and according with state standards.

We are seeing attacks on our ability to support children in our communities. We are seeing many, many attacks all over — on trans athletes being able to participate in school sports. Again, this moral panic is being fuelled by celebrities and authors who are losing their mind and saying, “Oh, we can't say ‘women’ anymore” — rest assured, you can still say women; it's fine — are preventing children from competing in sports.

In Hungary, there was recently a referendum that asked questions like: Do you support the teaching of sexual orientation to underage children in public education institutions without parental consent? Do you support the showing of sex change media content to minors? Questions dripping — dripping — with transphobia. I have to applaud everyone who spoiled their ballot in that election to say we reject these questions.

So, bringing this back to the Yukon, the challenges of being an LGBTQ2S+ youth — they're real. They're really real. There are the challenges of accessing mental health care or medical care. For anyone who thinks this isn't a challenge, I can tell you that in the last couple of weeks, I've sat through medical appointments full of transphobic comments and tried to decide: Do I access the medical care I need or do I fight back with the medical profession and risk not having health care?

Some of these students have support at home; some of them don't. Some of them are being bullied by their peers. I've heard from parents who have been pulling their kids from schools because of the bullying they're facing. They may not even have support from their teachers to know that they can go to class and have their correct names and pronouns used.

So, let's talk about how this would help — how this bill would help and how having GSAs would help. GSAs would do a lot of things. I talked to a friend about a GSA that she knew. She said, “Yeah, we mostly just hang out and talk about celebrities.” That sounds kind of trivial, but there is immense power in being able to imagine a future with yourself in it. I remember when I was first kind of realizing I was queer as a teenager — I told this story in the Legislature before — but I assumed I was going to have to leave the Yukon. I couldn't imagine being an adult — a queer adult — in the Yukon, a queer person in the Yukon. Of course, there were all kinds of queer people in the Yukon at the time, but I didn't know them. I didn't know that was possible. So, something like hanging out and talking about celebrities might not sound important, but knowing there's a future for you — knowing that it's possible to be yourself in the place you live — is so important. I cannot overstate how important that is.

A GSA can be a refuge. It can be the one place that — as you're putting up with bullying and lack of support and the news of how terrible the attacks on your freedoms are across the world, it can be a safe place that you can come and know that you're okay — that you can say what you need to say.

It can be a place to connect with peers, and I think that's really powerful, because the most powerful supports I have ever received, as a queer person, have been talking to other queer people — have been talking about our experiences, what we've had in common, what has been hard, and having my own experiences validated and being able to support them. There is so much power in community. GSAs can give kids that community.

It can be a connection with a teacher, knowing that there is a safe adult to go to. It can be that teacher helping you access resources, access what you need. I witnessed a beautiful conversation in which a youth opened up about the mental health challenges they are facing and their fears. They knew

they could do that, because this was a safe space. The teacher was then able to say, “Let’s make a plan. Here’s what we’re going to do; here’s what I can connect you with.” That was so powerful.

The GSA can advocate, and I think this is so critical. I mentioned research in my opening comments about the power of advocacy and making schools safer places, but there is also power in realizing that, as a group, you have power and that you can make changes — that you can become a leader. We’ve seen that with the GSA at Porter Creek Secondary School, when they advocated for banning conversion therapy. Those sorts of experiences are what create leaders.

There is so much that GSAs can do and so much that safe activities can do in terms of creating safe spaces and supporting youth. This is, I think, really borne out by the outpouring of response that I’ve seen about this bill. I have heard from adults who had GSAs and the support it gave them. I heard from adults who didn’t have GSAs and how much that would have meant to them. I heard from parents; I heard from students.

I actually want to go back to the students, because there is no doubt in my mind that this matters to them, and I know that because, two weeks ago, they were here at the Legislature. They were here at the Legislature with signs and flags. They talked to media. They came and sat in the gallery, and they told us that this matters to them. They showed up here to tell us that this matters. They showed up. Now it’s our turn to show up for them.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Mr. Streicker: Agree.

Hon. Mr. Pillai: Agree.

Hon. Mr. Clarke: Agree.

Hon. Ms. McLean: Agree.

Hon. Mr. Mostyn: Agree.

Mr. Dixon: Agree.

Ms. Clarke: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Ms. Van Bibber: Agree.

Mr. Hassard: Agree.

Mr. Istchenko: Agree.

Ms. White: Agree.

Ms. Tredger: Agree.

Clerk: Mr. Speaker, the results are 16 yea, nil nay.

Speaker: The yeas have it.

I declare the motion carried.

Motion for second reading of Bill No. 304 agreed to

Speaker’s statement

Speaker: Bill No. 304, *Act to Amend the Education Act*, has now received second reading and, pursuant to Standing Order 57(4), stands ordered for consideration by Committee of the Whole. Pursuant to Standing Order 14.2(3), the Third Party designated Bill No. 304 as an item of business today. The Member for Whitehorse Centre is therefore entitled to decide whether the House should resolve into Committee of the Whole for the purpose of continuing consideration of Bill No. 304. I would ask the Member for Whitehorse Centre to indicate whether she wishes the House to resolve into Committee of the Whole.

Ms. Tredger: Mr. Speaker, I would ask that the House now resolve into Committee of the Whole for the purpose of continuing consideration of Bill No. 304.

Request for Acting Chair of Committee of the Whole

Speaker: As the sponsor of Bill No. 304 needs to participate in proceedings on the bill, I will ask if any private member wishes to volunteer to be Acting Chair of Committee of the Whole.

Member for Takhini-Kopper King rises

Speaker: Pursuant to the request of the Member for Whitehorse Centre, I shall now leave the Chair and the House shall resolve into Committee of the Whole.

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Acting Chair (Ms. White): Order, please.

Committee of the Whole will now come to order. The matter before the Committee is general debate on Bill No. 304, entitled *Act to Amend the Education Act*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 304: *Act to Amend the Education Act*

Acting Chair: The matter before the Committee is general debate on Bill No. 304, entitled *Act to Amend the Education Act*.

Is there any general debate?

Ms. Tredger: Thank you. I would like to start by thanking all my colleagues in the House for getting us to this place. It’s exciting to be moving along. Something I forgot to say when I was closing my remarks is that, back when the Porter Creek GSA was here, they gave me this bracelet. I said I would be wearing it when we discussed this bill. I’m wearing it again today. They’re going to be at the centre of all my

thoughts, as we think about the details of this bill and how it will affect its implementation and how it will affect students in the Yukon.

I don't have a lot more to add at this point. I think I'm excited to hear the questions from my colleagues, and I'm looking forward to our discussion.

Mr. Dixon: Thank you for the opportunity to speak to this now in Committee.

I should note as well that I ran out of time at second reading, so I wasn't able to provide the full breadth of comment that I had intended. I'm hoping that members will indulge me making a few brief comments prior to asking a few questions.

The first of those is that I did want to say a little bit about the consultation piece, which — we'll get there, but the first thing I wanted to talk about is the fact that I think this is very important that we do allow private members' bills to get to Committee. I know there has been some discussion about which committee is most appropriate for various bills. One of the reasons our caucus provided unanimous support for this bill at second reading is because we really do believe that it's worthwhile to bring these types of bills into Committee and debate them in detail.

Ultimately, how Committee goes will inform how members will vote at third reading, and that's the important vote, when it comes to these types of bills.

So, to begin, I wanted to talk about the consultation process. I realize that — and I have acknowledged that I understand the limitations that are on private members when it comes to consultation and the fact that it's difficult in this position to exercise the kind of consultation that one might expect from a government bill. That being said, I do think that there is, and are, a number of Yukoners who would have liked to have had the opportunity to share their views about this bill.

I would like to note that the member who presented the bill — the Member for Whitehorse Centre — did in fact note, I believe, three separate letters that were all supportive of the bill. However, I did want to note that those weren't the only responses that we, as legislators, have received so far from different groups.

For instance, first of all, I would note that we did receive — at least, it was unsolicited on my part, but it looks like it was perhaps solicited by someone in the Department of Education — input from the Association of Yukon School Councils, Boards and Committees.

This is not one that I believe has been tabled yet. I will just read it into the record. It's from Sandra Henderson, the chair of that association. It says: "Thank you for your earlier email and for bringing this proposed bill to the Association's attention.

"The Association of Yukon School Councils, Boards and Committees is supportive of initiatives which value both equity and diversity in its school communities and provides safe, welcoming, inclusive and affirming learning environments for all students. While we appreciate the work that has gone into the preparation of this bill, it is difficult however, to provide an informed response without knowing the full context as to why the bill is being brought forward, what gap(s) this initiative

would address and what other options were considered before tabling the bill.

"Other than this email, there have been no direct discussion with AYSCBC thus far regarding this initiative. We are also not aware of individual school councils having been engaged in a dialogue surrounding the proposed bill. Unless this amendment would be considered a 'housekeeping' item, which it does not appear to be the case, some form of consultation with education stakeholders (administration, school councils, school community) ought to occur prior to the passage of this bill on the floor of the legislative assembly.

"The Association would be pleased to help facilitate a discussion among Yukon school councils regarding this initiative and/or provide any other assistance in this regard.

"Again, thank you for your email and for the opportunity to offer comments.

"Regards, Sandra Henderson, Chair"

My point in reading that and providing that, putting it on the record today, is just to note that there were other groups that had provided input on this. It is clear from the AYSCBC that they were very interested in having the opportunity to have their views considered in the development of this bill and the process.

Now, in second reading earlier today, the sponsor of the bill did provide some of this information, but unless AYSCBC is listening right now, I don't believe that they would have had the opportunity.

So, I guess that my question for the sponsor of the bill is: What sort of response does the member have to that e-mail, and does the Member for Whitehorse Centre think that this kind of input shouldn't be considered?

Ms. Tredger: Thank you to the member for bringing this forward. It has some questions in it that I would like to respond to. That letter asked about why this bill was brought forward, what gaps it is trying to address, and other options that were considered.

I can absolutely speak to that. I have mentioned before, but I will go through it again. The reason why this bill was brought forward was because of the request of youth for support in their schools, support for their peers, and support for themselves.

It was brought forward because of extensive conversations I had with members of the queer and trans community, with educators, with administrators, and with parents who all thought that this was a way that youth could be supported. That is the gap it was trying to fill. It's true that there are schools that have GSAs in them, but there are many that don't, so there are students who don't have access to that kind of support.

It is really important that, no matter what school a student goes to and no matter which teachers are there that year — actually, I want to speak to that, because that is feedback I heard. Often, right now, what is happening is that if a teacher happens to be in a school that supports this kind of initiative, takes it on themselves, and champions it, that's great, but what if that teacher moves on? What if that teacher gets reassigned or isn't there the next year and suddenly that doesn't really exist anymore?

This bill fills both the gaps of supports not existing and of supports being somewhat piecemeal and not continuous. It also supports students in schools where they might not have supportive administrators. They might not have teachers or principals who do support them, and it gives them some protection.

In terms of other options considered, I spoke to this a little bit before. I guess there is an option of this having been addressed with an internal policy without having gone through the Legislature. We didn't pursue that option for a couple of reasons. One is that this, as legislators, is what is available to us. I think that there is real value in the public conversation that is happening right now. So, if this was done with an internal policy, we would never have had the chance to talk to the media, hear from students, and hear from people in a way that is public. I think that public conversation is really important.

I just want to quote from the letter from Queer Yukon. They talk about that. They write — and I quote: "... we believe it is urgent for young Two-Spirit, queer, trans and questioning Yukoners to be shown that they are valid and valued by their government, their schools, and their community." I can't imagine a better way to show them that they are supported than by this conversation at the highest level — by the lawmakers of this territory — so I think that this conversation that we are having is so important. The actions we take will say a lot about our commitment to LGBTQ2S+ youth.

That is kind of the answers to those questions. There might be follow-ups, so I will let the member follow up on that.

Mr. Dixon: I think that the member has addressed the issues raised by the AYSCBC in terms of the questions they've asked in the e-mail, but my question was: The AYSCBC indicates that it's their view that education stakeholders ought to — or consultation with education stakeholders ought to occur prior to the passage of this bill on the floor of the Legislative Assembly. My point there is simply that this is a group that has expressed the opinion of school communities on behalf of their organization, which represents all Yukon school councils, boards, and committees, and they are saying that their membership really wants to be consulted about this. It sounds like they're supportive of the intent of the bill, for sure, but their clear expression is that they believe that the education stakeholders ought to be consulted prior to the passage of the bill.

That's the concern I guess I would raise. It's less of a question and more of a point that there are groups out there that haven't been consulted and feel that they ought to be consulted.

The second piece is that the member correctly notes that there is a useful, helpful public conversation going on about this. I agree; that's important. The member, I believe, said that a public conversation about this is important. My view — and I expressed it earlier — was that the way that we can, as private members, bridge that gap of consultation and the resources it takes to do proper consultation is by going to committee. That was the reasoning behind my motion earlier today with regard to sending this to a committee to lead that public consultation and have the opportunity for groups like the AYSCBC and others to have a forum within which to provide their input.

I think it's notable that this hasn't happened. So, that is the concern that I wanted to raise — is that there are groups out there. There was a process by which it would have been possible to seek that input, but it wasn't done that way. Again, as I've said, I respect the fact that we have limited resources as individual MLAs to lead consultations, but I do think there was an opportunity to send this to a committee and have it be considered by that committee and consulted on — having it consulted on in the public — but that was a missed opportunity.

I'll just give the member an opportunity to respond to that. It's not so much the question. I appreciate that this is an opportunity for questions, but I think these are legitimate concerns and I just wonder if the member can respond to those.

Ms. Tredger: So, in, I guess, a targeted consultation, which is what we did, we thought about who the stakeholders here are. Who are the priorities to connect with? My priority is the queer and trans community — and particularly queer and trans youth to talk about what they need. That's what shaped this bill and the direction of this bill. To me, those are the most important voices of the conversation.

We absolutely consulted with people from the education community — not exhaustively. The member has given an example of someone whom we didn't talk to. I'm more than happy to talk to them. At any point, they can reach out or I can reach out to them.

They have said that they support the intent of the bill. I think the questions are about implementation. I think that if we, as the Legislature, decide that this is important to us and that it is important that we give this support to youth, as we implement it, there is lots of opportunity for people to talk about how that can look in their schools, but I do really appreciate their support of the bill and their support of the intent of the bill.

I just want one more comment on consultation. There is a cost to the time it takes to consult and there's a cost to delaying this, as I mentioned. This is why I didn't want it to go to a different committee and wait until the next Sitting to be brought forward because there is a cost to delaying this, and that cost is to youth.

Mr. Dixon: I appreciate the member's point. I understand the point that she has made there about timing and her perspective on cost. It is an area where I do think that there ought to have been more consultation.

Another submission that was provided to us unsolicited was from the Catholic Education Association of Yukon. It was addressed to all three political parties. I don't believe it has been discussed yet, so I'll just read it into the record. It's addressed to the Minister of Education, the New Democratic Party, the Yukon Party, and the Department of Education. "The three Catholic School Councils were not consulted on this amendment to the Education Act by the Bill's proponent..." — the Member for Whitehorse Centre — "... or the NDP Party. As elected members of our school communities we believe that we have a role to play in advocating for what our schools and students need. Bill 303..." — as it was known at that point — "... was introduced on March 17th and is being debated on March 23 leaving little time for discussion or understanding.

“Yukon Catholic schools embrace the inherent dignity of each student, including LGBTQ2S+ and those who identify as belonging to sexual minorities. We support welcoming and loving schools for these students.

“We respectfully request that changes to the Education Act should take appropriate time and involve discussion with education partners before putting the changes to a vote in the legislature.”

It is signed by John Williams, the chair of the Catholic Education Association of Yukon.

I just wanted to read those two into the record because my understanding is that they haven’t been tabled or discussed yet.

So, I guess I’ll provide the member an opportunity to respond. I note that this is another group that is out there that has expressed an interest in being consulted and that hasn’t been consulted. I’ll ask the member to respond to that.

Ms. Tredger: I’ve seen that letter from the Catholic Education Association of Yukon. I was happy to see them make their statement about embracing students, including LGBTQ2S+ students. I was a little worried about what that looks like because my understanding is that the Yukon Catholic schools are working with the Alberta Catholic schools’ policy on safe spaces in schools, which talks about supporting students with same-sex attraction. In that entire document, not once do they use the identities that people in my community use for themselves; they couldn’t bring themselves to do that. Instead they talk about it like an affliction that needs to be managed — something that you have to put up with and be supported through.

So, I guess the question is: Did I consult with the people who don’t think that I should be allowed to get married or have children? Did I consult with the people who don’t think that members of my community should be allowed to have families? I did not.

Mr. Dixon: My intention in bringing this forward was not to presume what input these groups would provide but simply to note that, whether it’s the Catholic school councils or the other school councils as represented by the AYSCBC, these bodies are created by the *Education Act* itself — the one that this bill would change. There is a clear role for school councils to be consulted on these types of changes to the act.

My point is not what input the member may or may not receive ultimately; my point is about process — that these are councils that are created by the very act that we’re seeking to change with a legislated role, a democratic role, to represent their school communities, and those groups haven’t had the opportunity to provide thorough input on this bill.

I appreciate the member’s response earlier, but I just feel that the point does need to be made that these councils are created by this very legislation, they have a legislated role to represent the communities, and they haven’t been consulted. I can probably leave the point there. If the member would like to respond, I would welcome that, but I will move on.

In the briefing that the member provided to Members of the Legislative Assembly — I believe that I was the only MLA who attended it — I asked a number of questions about the content of the bill. I will ask a few of those questions as well. I

realize that there will be an opportunity to go line by line, but I think that general debate may be better suited to discuss the entirety of the bill, rather than specific lines.

So, let me begin with the questions I asked the member about the decision that the member made to use the word “must” versus the word “may” in section 2. There are two categories, 1 and 2, which lay out a series of activities. In that, one is a “must” and one is “may”. I am just wondering if the Member for Whitehorse Centre can discuss and explain why some were chosen as “must” and why some were chosen as “may”.

Ms. Tredger: I am actually very excited to talk about this because a lot of thought went into it. This is where a lot of the input from the consultation we did was incorporated.

For some schools, student organizations are what we are looking for — that we will be there to support students — so I am thinking of the Rainbow Room at Porter Creek Secondary School. I think that several of the high schools in Whitehorse have GSAs. That is a really good fit for them. I am really excited that any school that wants a GSA may have a GSA and that it is there, but there are also schools that this might not work for. I am thinking about some of the really small schools — some of the schools with fewer than 20 students. I think that if that school wanted a student organization, I would wholeheartedly support it, but I do think that there is a possibility that it is not realistic for a very small school, often with young children for whom a student organization may not be a familiar structure.

We still felt that it was really important that, no matter where a student goes to school and no matter which school is there or teachers are there, they have some kind of support. That’s where we landed on this “activities” language. The idea is that a school must have activities. They may be a student organization — if that is what the students want, absolutely — but there are alternatives so that it can be flexible and work for every school.

I am actually very excited to see what kind of activities schools come up with if this moves forward. I can brainstorm lots of things. I can imagine pizza lunches and maybe, for some of the smaller schools, weekends where they get together with another school in their area so that they can make connections between schools. I can imagine movie nights, and I can imagine bringing in speakers. I can imagine all kinds of activities. The point is that the school has to have something. It must have activities that support the students. They may be the student organization, but they don’t have to be, to allow the flexibility.

Hopefully, that answers the question. I am happy to answer follow-up questions.

Mr. Dixon: Yes, the member has answered some of my question. I think that it is probably most useful, before I ask my next question, to go back a notch and just ask the question: Why was section 169 in the act chosen? This is about the duties of the principal, and so I am wondering why this particular area was chosen. There are several other provisions in the act that may be relevant to all schools and I am just curious why the member chose to amend section 169.

Ms. Tredger: Thank you for the question. The decision was made in looking at other similar things within the act. Under this section, 169, and under (t), it talks about including the activities of the school's cultural heritage, traditions, and practices, which is certainly not the same thing, but it has some parallels in terms of incorporating activities that support students. It was decided that this section kind of made sense because it had that parallel and because it makes sure that there is a person who is responsible for making this happen within the school — who has this legal responsibility to make sure that this happened so that we could be confident that this really would happen in every school.

Mr. Dixon: So, is it the member's intent, then, that the nature of the activities would be at the discretion of the principal?

Ms. Tredger: Yes, this is a really interesting question because one of the concerns that I have heard has been: What if this becomes school-directed instead of student-directed? I think that it is really important that if students want to lead these activities, they have the freedom to do that. Ultimately, it is going to have to be sorted out in the policy stage.

What is important to me is that, if students want to lead these activities, they can, but it is not left to them as their responsibility — that they are solely responsible for making these activities happen.

I do think it's the intent that the principal ensures that happens. I hope that happens in a cooperative and collaborative way, and I hope that there is policy established to make sure that does happen in a cooperative and collaborative way.

My fear is that if we don't designate a person who is responsible for making it happen, it's too easy for it to fall through the cracks and not actually happen.

Mr. Dixon: Did the member ever consider 170 instead, which is, of course, the minister? As we know, one of the best ways that we have to hold the government to account is to ask questions of the minister. Of course, we can't ask questions of a principal. So, if this were to pass and the legislation were to change, there is very limited ability for us to ask individual principals what they're going to do.

So, did the member ever consider, instead of making it a duty of a principal, making it the duty of the minister to ensure that these activities are in place?

Ms. Tredger: I actually think that's a fair comment. It's an interesting idea. I think my concern about making it the responsibility of the minister is that it's a step removed — actually, several steps removed — from the schools themselves. I really want to put the, I guess, power in the hands of the schools to make this happen and then the enforcement in the law to make this happen.

I think it's helpful for what this is going to look like to be decided on at the school level, rather than the minister saying, "Here are the activities that each school is going to do." I think, ultimately, the minister is responsible for making sure that the *Education Act* is upheld in schools. So, I do think that this Legislature still has the power to hold the government to account on this.

Mr. Dixon: Again, I have a question that is relatively specific to a section, but given the broader nature of it, I'll ask in general as opposed to line by line.

In section 2, the bill reads: "... which may include, without limitation..."

I'm wondering if the member can explain the term "without limitation" and why that was chosen. I've had that highlighted to me by a few people who have reviewed the bill as being an interesting choice of words.

On one hand, I could view that as being an open-ended, encompassing phrase, but I would like if the member could explain the choice of words "without limitation" and why that was chosen.

Ms. Tredger: So, what that is intended to do is say that it could be a student organization, but it's not limiting the type of student organization. It might be a GSA. They might choose to call themselves something else. They might choose to frame the question differently.

It's really intended to give flexibility, because I'm imagining a GSA, but I'm so excited to see what students imagine and what teachers imagine. I want to make sure they have the flexibility, that they're not constrained to it being just a GSA or just a certain type of student organization, but that they have the freedom to make it what they want.

Mr. Dixon: So, just for my understanding, it sounds like the term "including, but not limited to" might be a synonym I suppose for that particular area. Is that correct? Is it meant to say that this could include these things, but it's not limited to these things?

Ms. Tredger: That's exactly the intent.

Mr. Dixon: I appreciate the member's response.

I have two other questions. Again, this is a specific question, but I'll ask it in general anyway. The coming-into-force provision is something that I noted at a briefing as being curious to me — that we would require a subsequent order-in-council from the Commissioner in Executive Council. My question was: Why was that included? Are there regulations intended to be brought in, in addition to the coming-into-force OIC? And based on subsequent conversations, I do believe that is not the case, but I do want to put on the record that I had that question.

Ms. Tredger: That's correct. We're not anticipating regulations. This was included because — I guess just again to create flexibility, knowing that I am not the government and that there is a certain amount of policy work to be done. We wanted to give some flexibility in the date of implementation — or the date of it coming into force — but I am open to discussion about whether that's the best way to do it.

Mr. Dixon: As it reads now, this bill would not — even when this bill passes the Legislature, presumably this Sitting, it wouldn't come into force right away. Does the member know when it would come into force?

Ms. Tredger: I would hope that it would be very soon, but no, the way it's written does not give me the power to choose that date, so I don't know.

Mr. Dixon: Did the member consider just removing that section? Because if that were the case, it would simply mean

that once the Legislature votes at third reading and this bill receives royal assent, the act would change and come into force immediately. Did the member consider simply not including a coming-into-force provision like this?

Ms. Tredger: I'm actually very happy to consider that option.

Mr. Dixon: So, I will conclude my comments at general debate with that. I would like to make a final note that I do feel that this type of bill would have been more appropriately brought to a committee of the Legislature to conduct proper consultation, that an all-party committee, like the Standing Committee on Statutory Instruments, would be well-suited to reaching out to groups that have expressed an interest — as well as other groups that, in some cases, aren't even aware that this is before the Legislature right now — to seek their input. I think that education stakeholders deserve to be consulted on changes to the *Education Act* and changes to the duty of a principal. I think that principals should have been consulted, as well, as this quite literally changes their job description.

I know that the YAEP has written a response that indicates their support of the bill, but I do wonder if individual members of the association would have liked to have had input on this bill, as it will affect their jobs.

The concerns and questions that I have raised today, I think the member has done her best to answer. While I do continue to have some concerns about the content of the bill and the consultation process, or lack thereof, that went into this, I will conclude my comments in general debate.

Ms. Tredger: I just wanted to add my thanks to my colleague for the thoughtful questions and the suggestions, and I appreciate that.

Acting Chair: Is there any further general debate on Bill No. 304, entitled *Act to Amend the Education Act*?

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

On Clause 1

Clause 1 agreed to

On Clause 2

Hon. Mr. Streicker: I have a question for the Member for Whitehorse Centre — or a couple maybe — about this. It is following up on some of the conversation that we have had today about how we are consulting or engaging on changes here. My questions are going to be for the Yukon Association of Education Professionals in my role as the Minister responsible for the Public Service Commission.

I will just begin by saying that I think that it is important that there be engagement. I think it shouldn't only be with where we know we get support. I think, as legislators, that it is important that we hear from all Yukoners, take their perspectives, and bring them into the mix. Of course, not everyone will always agree with the same thing. I think that is always fair to say.

I did reach out as well to the President of the Yukon Association of Education Professionals. I note the letter that I think was sent to all MLAs and I believe was tabled here as well. We just finalized a new collective agreement with the YAEP, the Yukon Association of Education Professionals, and I just would like to hear the member opposite's perspective on

how they engaged with the association — the dialogue that they had back and forth.

Ms. Tredger: Yes, one of the reasons I was really interested in talking to educators about this is because it is important that it will work in the school. I also know that there are a lot of teachers who are trying to do this work right now with limited support, I think it's fair to say. I wanted to make sure that this bill was going to lead to more support for teachers, so that's kind of where those conversations started. It was: What would this need to include in order to be helpful to teachers who are trying to do this work?

I think that having the mandate is really important in that work, because as long as this work is seen as kind of optional or a nice thing to have but not necessary, there is not a lot of support for it to happen. When it is mandated as part of one of the activities of the school, I think that is so compelling. I think that this really helps to lend resources, effort, and time to that.

Our conversations were about what would be helpful, I guess, to teachers.

These are also conversations I had with individual teachers and administrators — so what would be helpful to them and about what they need to support the students, which is what I think teachers want to do. I think that is what our educators want to be doing — is supporting our students. This bill is meant to help them do that.

Hon. Mr. Streicker: I guess what I'm trying to get at is whether the member, in her dialogue with the president of the Yukon Association of Education Professionals, heard back from the president — whether there had been an opportunity to speak to other educational professionals, and if so, what feedback was heard? I appreciate the notion about support for, but what I'm just looking to hear is whether there had been an opportunity for the association to be able to dialogue with its members.

Ms. Tredger: I think that's a better question for the president himself. I don't really want to speak to the internal processes of the organization or what their internal dialogues have been.

Hon. Mr. Streicker: I'll rephrase my question a little bit and just say: Did the member opposite inquire about the opportunity to — was there an attempt on my colleague's part to hear what the views were of other professionals through the president?

Ms. Tredger: Actually, this is the same question. I respect the authority of the president to speak on behalf of his members, and how he comes to his conclusions and how he consults with them is up to him to decide.

Hon. Mr. Streicker: I wanted to just reference another piece of correspondence that we had. It was from Queer Yukon, and what I saw in the correspondence was talking about that this bill is important. There was support for the bill, or the amendment to the *Education Act*, but it was also talking about other work that needs to happen. I'm just wondering whether the member opposite has thought about those concerns.

I've heard some of the responses about her hope that this work would proceed quickly, but I'm just trying to ask a question about assessment regarding time and effort required to

achieve some of the activities or the work that is contemplated through the amendment that is proposed.

Ms. Tredger: Thank you for the question. I'm actually very excited to talk about this, because it's so true that the reality of what a law ends up looking like is so shaped by policy. It's policy that breathes life into the law.

That policy will be up to this government to — that work is up to the government to do. I would be delighted — delighted — to help with that work, and I'm really happy to offer any help I can to make sure that the policy does mean this bill is implemented as intended.

I think the concerns that Queer Yukon raised, such as making sure that students aren't outed for participating in GSA, that the teachers have proper training and resources, that there is no tolerance for discrimination within these spaces — I think that's really important. I do acknowledge that this work needs to be done. I'm really optimistic that this government will undertake it and make this bill the best it can be — or make the consequences of the bill the best they can be.

Hon. Mr. Streicker: I'm going to just make a couple of comments and then I'm going to propose an amendment to the bill.

I appreciate the answers that have come from the Member for Whitehorse Centre. I do think it's really important about asking these questions to try to understand about the questions of engagement. It's also important around not wanting to get unintended consequences. When we amend acts, as we are considering today on the floor of the Legislature, I always ask officials, as they bring material to us, about how this will play out in other ways.

I did have some conversation with the president of the Yukon Association of Education Professionals. We had some important and brief conversations about precedent and what we would be setting as precedent by using a tool like amending an act. I can appreciate from hearing the debate earlier today from the member opposite about wanting to use the tool of legislation.

The challenge, of course, is that when you amend legislation, this is the place. If you see some unintended consequences, it's back here where we need to come, so this is a rigorous thing when we set laws for the territory.

Having said that preamble, the amendment that I am proposing is on clause 2. Let me just get my draft of the bill in front of me.

Amendment proposed

Hon. Mr. Streicker: I move:

THAT Bill No. 304, entitled *Act to Amend the Education Act*, be amended in clause 2, at page 1

(a) by replacing in the text of the new paragraph 169(w) of the *Education Act*, as enacted by that clause, the expression “school year” with the expression “school year, the principal must”; and

(b) by deleting the new paragraph 169(x) of the *Education Act*, as enacted by that clause.

Acting Chair: The amendment is in order.

It has been moved by the Minister responsible for the Public Service Commission:

THAT Bill No. 304, entitled *Act to Amend the Education Act*, be amended in clause 2, at page 1

(a) by replacing in the text of the new paragraph 169(w) of the *Education Act*, as enacted by that clause, the expression “school year” with the expression “school year, the principal must”; and

(b) by deleting the new paragraph 169(x) of the *Education Act*, as enacted by that clause.

Hon. Mr. Streicker: Thank you, and I will be very brief. I will just explain the two things attempting to be achieved by this amendment. I will do the second part first. It is under 169(x) that it states: “designate a staff member or responsible adult...” Once we do that, then we start telling the school how to achieve this. When that happens, I think that we set a precedent under the collective agreement, and I think that we need to be careful about that. So, I think that if we are able to remove that clause and still add the emphasis under clause 169(w), that there is a requirement for this to happen — and that is what I am attempting to achieve through this amendment.

Acting Chair: Is there any further debate on the amendment to clause 2?

Ms. Tredger: So, with regard to this amendment, I do find it a disappointing amendment. I think that there are things that are lost when we don't designate a staff member or a responsible adult to lead the initiatives. One of the most valuable things that I have heard about having a GSA is students knowing that there is a teacher they can go to — knowing that there is a teacher who is a champion for them who they can go to for help, who they can go to for advice, who they can go to even when that GSA maybe isn't having a thing that day — they know that is a place they can go. I can talk about my own experiences and know that I knew who the teachers who supported me were, and I knew that they were safe people. That was so valuable. There is a ton of research showing that having an adult in a kid's life who they know is supportive is really beneficial. I think that there is the potential for that to get lost when we remove that paragraph.

Another piece that I think gets lost is the language around “designate a staff member or responsible adult...”, which was chosen quite carefully, because I think that there are times when a community member is the best person to lead these sorts of organizations or activities. I really loved the idea of schools drawing on entire communities to provide this support as opposed to relying on individual teachers — with whom they may have a champion or they may not.

So, that gets lost in this amendment. I believe the intention is that there is a concern that it affects a teacher's duties and I guess they might have to get paid for that. I think there are worse things than paying teachers to support students in this way. I think that it is not a bad outcome if we have to pay teachers to support the core activities of a school to support their students.

So, yes, I find this to be a disappointing amendment. But that said, it is so important to me, based on everything I've heard from community members — it is so important to all the people I've heard from — that this bill passes — that this amendment to the *Education Act* passes.

So, even though I'm disappointed that we are now looking at what I think is a weakened version of this bill, I am willing to work with this in order to get support for the bill to move forward.

Mr. Dixon: One of the concerns that we had previously was the implication of this bill on the collective agreement. If the Minister responsible for the Public Service Commission believes that this will address that concern, then we'll certainly support the amendment. We'll support the amendment.

Acting Chair: Is there any further debate on the amendment to clause 2?

Hon. Mr. Streicker: I thank both of the members opposite for their comments. I just want to say that we believe that it is entirely possible to get this — people named and in the role. As we heard earlier in debate, even a flag can make a difference. So, that's why we think that this is not meant to be limiting, but we just are worried about setting a precedent. I appreciate the Member for Whitehorse Centre's concern and even disappointment. The point that I'm trying to make is simply that this is how we don't set up unintended consequences across the collective agreement. But it is in no way meant to take away from the initiative in front of us or our encouragement for support around this initiative.

Acting Chair: Is there any further debate on the amendment?

Shall the amendment carry?

Amendment to Clause 2 agreed to

Clause 2, as amended, agreed to

On Clause 3

Ms. Tredger: As has been pointed out earlier in this debate, it's not clear that clause 3 is entirely necessary. In particular, the amendment to clause 2 has simplified it somewhat. At this point, I don't think there is any reason to delay this bill coming into force. I would ask members to join me in defeating clause 3.

Clause 3 negatived

On Title

Title agreed to

Ms. Tredger: I move that you report Bill No. 304, entitled *Act to Amend the Education Act*, with amendment.

Acting Chair: It has been moved by the Member for Whitehorse Centre that the Chair report Bill No. 304, entitled *Act to Amend the Education Act*, with amendment.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. White: Committee of the Whole has considered Bill No. 304, entitled *Act to Amend the Education Act*, and directed me to report the bill with amendment.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Ms. Tredger: Mr. Speaker, pursuant to Standing Order 55(2), I request the unanimous consent of the House to proceed to third reading of Bill No. 304, entitled *Act to Amend the Education Act*, at this time.

Unanimous consent re proceeding to third reading of Bill No. 304

Speaker: The Member for Whitehorse Centre has, pursuant to Standing Order 55(2), requested the unanimous consent of the House to proceed to third reading of Bill No. 304, entitled *Act to Amend the Education Act*, at this time.

Is there unanimous consent?

Some Hon. Members: Agreed.

Some Hon. Members: Disagreed.

Speaker: Unanimous consent has not been granted.

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 378

Clerk: Motion No. 378, standing in the name of Ms. Clarke.

Speaker: It is moved by the Member for Porter Creek Centre:

THAT this House urges the Government of Yukon to introduce legislation to create a refundable tax credit to subsidize the cost of certain fertility treatments provided by medical practitioners or infertility treatment clinics and for surrogacy-related medical expenses.

Ms. Clarke: Salamat, Mr. Speaker.

For Yukon families struggling with fertility, the idea of starting a family is complicated and difficult. Not only are infertility challenges extraordinarily stressful, but the cost of fertility treatments and surrogacy-related medical expenses are significant barriers.

One of the most common fertility treatments is in vitro fertilization, or IVF. For many people, the cost of these treatments is cost-prohibitive and essentially make it impossible for people to start a family. This is heartbreaking and it's a tragedy, and it is something that we can help address or alleviate. We can help those individuals who want to start a

family but are struggling with fertility challenges. To highlight the challenges and financial burdens of fertility treatment, I would like to share some statistics.

A single round of IVF can cost as much as \$25,000 to \$30,000 and requires a trip down to a larger city like Vancouver for as much as a week. A \$30,000 bill is challenging enough for those in very strong financial positions, but for the vast majority of families, such an expense could throw them into economic turmoil — essentially forcing families to make the impossible and heartbreaking choice of starting a family versus going into massive debt. That's just one round of IVF — \$30,000 for a single round. That's a staggering amount of money just for the hope of starting a family. I have a friend who is also a constituent and who has shared a similar story. My friend and her partner were lucky enough to be successful and now have a baby after spending thousands of dollars. They were both lucky enough to have good-paying jobs that let them get away. They used up all of their vacation leave to go to Vancouver for treatments and then spent most of their savings. She is now older and can't go through another round. It's too expensive and too late.

This is just one of the many stories I have heard. There are so many more. That is why I brought forward this motion. That is why the Yukon Party believes it is so important to help these families out. In fact, that is why the Yukon Party committed to a program like this in the healthy beginnings plank of our platform in the election last year.

No one should have to make this impossible choice. Starting a family should be an option for anyone. That is why I think we need to do more to help these families out. One way that government can help with this is by providing financial support to hopeful parents who struggle with infertility. The Government of Yukon could help Yukon families who face challenges starting a family by creating a new program to provide financial support for fertility treatments and surrogacy-related expenses and travel.

Currently, most Yukoners are required to pay the massive expenses related to fertility treatments out of pocket. A new program to help defray some of the significant cost faced by Yukoners who face fertility challenges would be an important and welcome step. It would be so important and so essential for those struggling with these challenges.

As I mentioned previously, there are significant negative impacts on the mental health of those in this situation. These mental health impacts are compounded by the significant financial cost that comes with an already stressful situation. Other jurisdictions have various supports in place, but there is very little support here in the Yukon and further delays are no longer acceptable. We can, and must, take action now. Kicking the issue down the road will be doing a disservice to those Yukoners struggling with fertility challenges.

I hope that I will get the support of my colleagues here today to push the Government of Yukon to develop a program to provide financial support to Yukoners who are unable to have babies and to help out financially those who need to access fertility treatments or surrogacy. Salamat.

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

Does any other member wish to be heard?

Hon. Ms. McPhee: I guess I was a little surprised that the Yukon Party would bring this forward as one of their first few motions and then only speak to it for a few minutes, but I am happy to respond and to speak about the importance of these issues for Yukon families and our plan to address them.

I am going to start by indicating that, in 2021, the Yukon Liberal Party produced a document called *Let's Keep Going*. It had a lot of pages — 50-plus pages — regarding the work that had been done on behalf of Yukon families and Yukon individuals here in the territory in the first mandate of this government and then ultimately a page for each of those topics. It said *Let's Keep Going* and indicated a number of platform commitments. I will read from that document for a moment on the page that is entitled: “We will keep modernizing our healthcare system and make the Yukon a healthcare service leader in Canada. A re-elected Yukon Liberal Government will...” — among other things on that page — quote: “Support Yukoners in making a reproductive care plan with physician input which includes: Subsidizing the cost of birth control. Continuing to integrate midwifery into Yukon’s healthcare system, working towards a fully-funded program by fall 2021...” And we know that has been delayed — and continuing the quote: “Subsidizing the cost of period products for those who need it. Support Yukon families by subsidizing the cost of fertility treatments and travel.”

I am happy to rise today to speak to this motion, and as I stated yesterday in the House when I was asked questions about this topic, I am very pleased that the members of the Yukon Party have been reading our Yukon Liberal Party platform for the election back in 2021. I note that the member opposite indicates that they, too, support the concept of moving to cover some costs with respect to reproductive plans for families, but I have to make reference to the motion that is here before us, because it requires a certain number of very specific things.

It urges that the Government of Yukon would “... introduce legislation to create a refundable tax credit to subsidize the cost of certain fertility treatments...” — it doesn't say which ones — “... provided by medical practitioners or infertility treatment clinics and for surrogacy-related medical expenses.” This is very specific. It talks about creating a refundable tax credit. There were some comments — although no information was provided by the member opposite — that there are different types of programs that are available across Canada. As a result, this is very specific in asking for a refundable tax credit.

Now, I think what is important to note with respect to that is that a tax credit process will not assist low-income families, should they have a lower income, because it only assists if there is enough tax payable by the individual family to reduce what is payable by the amount of the tax credit. Families will need to have enough tax payable in order to benefit. Some families just simply wouldn't have that.

I also want to note that the Yukon Party plan certainly will require — which is why I was hoping to hear more from the member opposite — that individuals have to pay out of pocket for these expenses and only receive a portion of the costs back, if they qualify, because that's the way tax credits happen.

As I stated earlier in part of my comments with respect to questioning about this particular initiative — which I am very pleased to talk about, because it is an element of the work that we have done as a government, coming here since 2016, to provide support for families who are facing challenges — all kinds of challenges — in this case, challenges starting a family — and that is a priority for our government.

Our government has committed to supporting Yukoners in creating reproductive care plans. As part of this process, we are evaluating the potential of subsidizing some of the costs of fertility treatments and related medical travel.

Mr. Speaker, it's incredibly important that the experts and the expertise of the Yukon public service be given the leeway to come forward to our leadership and to our government and ultimately to the Legislative Assembly, if need be, to give us the parameters of a program that will best suit Yukoners and that will best support Yukoners from all walks of life who might be challenged by starting a family.

Determining, as this motion does, that it is a tax credit process only or "Let's build a tax credit box and put these values in there" does not give them that leeway.

I've asked the experts at the Department of Health and Social Services how we can proceed with providing this kind of support to Yukoners, and they are working on that and will come up with a number of options. One of them might be a refundable tax credit, because we can talk — I will talk about some other jurisdictions in Canada that have done so — not the least of which is Nova Scotia, most recently, this week — but that's after a long opportunity to consider what was best in that circumstance — in the circumstance of their government, in the circumstance of their families and how they are best able to manage that.

Our government has committed to supporting Yukoners and we want to bring forward all the options in considering how we might be able to do that. As part of the process, we are evaluating all of the options. We're also looking to support Yukoners in need of purchasing or obtaining birth control and period products, because we recognize that nearly one-quarter of women struggle to afford menstrual products here in Canada. It is just absolutely unacceptable. I think I clearly said that yesterday. The opportunity to do that is, again, part of a bigger plan.

The Yukon health care insurance plan does currently provide coverage for a consultation for initial fertility testing, including certain follow-up tests, such as ultrasounds, examinations, and some types of pregnancy tests at a publicly funded facility — so, not a private facility, but publicly funded or provided by a Yukon health care professional or other health care professional, should somebody be referred. That referral might be outside of the territory.

In addition, Yukon physicians can receive remuneration for performing artificial insemination procedures such as

intrauterine insemination. That might sound like good news, but it's not the full picture because medications and any costs related to the transport or storage or preparation of sperm are not covered under our current program. So, while part of that is beneficial to families, it's not always the case and there are still some costs, which can be quite significant, that are necessary.

Fertility treatments and procedures such as in vitro fertilization are not currently insured health services under the Yukon health care insurance plan and are therefore not eligible for coverage. But this is something that we need to explore. We need to examine whether or not that should be a change — should be a change of policy.

All of the members — well, maybe some of the members of this House — heard me speak earlier about the process for adopting — figuring out which tool is the right tool to address an issue. We must delineate the issue; we must describe it; we must figure out the problem that we're trying to solve and then we must take the opportunity to determine which tool is the best one. It might be policy, it might be amendments to regulation, or it might be new legislation.

The examination of the health care insurance plan is a critical tool in determining how we should proceed to provide this kind of service to Yukon families. I want to note that the travel for a medical treatment program is not available to individuals who require an insured health service that is not available in our home community or in territory. As fertility treatments and procedures are non-insured health services currently under our current situation, then related travel is not eligible for coverage if an individual was seeking that kind of service outside of the territory. The medical travel needs to be related to the fact that they can't receive that insured health procedure here in the territory.

If a consult has been approved for initial fertility testing which is available here in the territory, medical travel will be approved to support an individual to access a consult with a fertility specialist at a publicly funded health care facility if that is outside of the territory. There are no publicly funded facilities here in the Yukon offering fertility procedures beyond artificial insemination, which is available. But following an initial fertility workup and testing within the territory, usually it is a specialist and an obstetrician-gynecologist — an OB/GYN — who will refer patients who require other fertility procedures to an out-of-territory provider for a consultation.

These are important aspects of this question. I listened carefully to the submission on this motion by the member opposite. Certainly, it is important to look at the practical issues and how Yukon families — in this case, this member's friend and their personal story. But it is also critically important that Yukoners understand the facts, and the facts are that some of these fertility plans, or portions of them, are in fact covered here in the territory, including medical travel when they are supported by a referral from a doctor who refers them to Outside services where fertility procedures are provided by an out-of-territory consult.

Fertility treatments often require a combination of medical and pharmaceutical supports. That is critically important. Legislation to deal with a tax credit may not well address the

issues of the pharmaceuticals. It might, but it would have to specifically do that, and that is not necessarily contemplated here. Fertility treatments often require a pharmaceutical aspect. Fertility medications are not currently eligible for coverage through the chronic disease and disability benefits program here in the territory because fertility is not listed as a chronic disease in the Yukon.

Again, an aspect of the current services that are provided and how we could improve on those — and there might be a myriad of opportunities for us to do that — whether it involves changing some of the provisions or the policies around pharmaceutical coverage or whether it encourages or changes some of the things that are covered under the health insurance plan.

Currently, at this time, Ontario and Québec are the only Canadian jurisdictions providing some direct coverage for in vitro fertilization, artificial insemination, intrauterine insemination, or fertility preservation, and Ontario's program does not cover the cost of any fertility medication — so, an important distinction.

Québec and Manitoba provide a fertility treatment tax credit — so, similar to what is being proposed here — on family income. I am not sure, with respect to this particular motion, whether it will be family income or individual income —

Speaker: Order, please.

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

Debate on Motion No. 378 accordingly adjourned

The House adjourned at 5:30 p.m.

**Written notice was given of the following motion
April 6, 2022:**

Motion No. 385

Re: Standing Committee on Rules, Elections and Privileges consideration of a process to refer private members' bills to Standing Committee on Statutory Instruments (Dixon)