



# Yukon Legislative Assembly

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Number 46

3<sup>rd</sup> Session

34<sup>th</sup> Legislature

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## HANSARD

Wednesday, October 14, 2020 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2020 Fall Sitting

**SPEAKER — Hon. Nils Clarke, MLA, Riverdale North**  
**DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun**  
**DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North**

### CABINET MINISTERS

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

### GOVERNMENT PRIVATE MEMBERS

#### Yukon Liberal Party

<b>Ted Adel</b>	Copperbelt North
<b>Paolo Gallina</b>	Porter Creek Centre
<b>Don Hutton</b>	Mayo-Tatchun

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

<b>Kate White</b>	Leader of the Third Party Third Party House Leader Takhini-Kopper King
<b>Liz Hanson</b>	Whitehorse Centre

### LEGISLATIVE STAFF

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

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Wednesday, October 14, 2020 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

Introduction of visitors.  
Tributes.

## TRIBUTES

### In recognition of the Yukon Chef Collective

**Hon. Mr. Pillai:** I rise today on behalf of the Yukon Liberal government to pay tribute to the Yukon Chef Collective. The Yukon Chef Collective was formed earlier this year by Chris Irving as a way to give back to the community in light of the impacts that many were facing as a result of COVID-19. Four other Whitehorse chefs quickly came on board in support: Brian Ng from the Wayfarer Oyster House, Luke Legault from the Wandering Bison, Michael Roberts of Landed Bakehouse, and Ray Magnuson of Smoke and Sow.

This incredible group has been busy preparing an impressive 250 to 300 meals weekly for distribution at the Food Bank Society of Whitehorse, donating their time and expertise. They took to GoFundMe, and through the generosity of donors, \$14,000 was raised to supplement the costs. So many other Yukon companies also stepped up in support of the initiative, including Blackbird Bakery, G-P Distributing, Gray Ridge Lodge, Hummingbird Mobile Health, Mandalay Farm, Pizza Hut, Riverside Grocery, Well Bread Culinary Centre, Yukon Born and Raised Meats, Yukon Built, Yukon Gardens, ColdAcre Food Systems, Riverside Grocery, G&P on Main, and many more.

Between March and mid-June, the Yukon Chef Collective had delivered over 12,000 meals to the food bank for distribution to Whitehorse and surrounding communities, with thousands more in the months following. On September 11, the Yukon Chef Collective teamed up with the Government of Yukon for this year's United Way Breakfast fundraiser, which successfully raised over \$36,000.

Mr. Speaker, the Yukon Chef Collective is a true show of the community spirit here in the Yukon. In the face of adversity, these individuals came together to give back to those in need. Through this collective, we have observed the contributions that local businesses make to our society. It is even more important than ever to show our support for local businesses, just as they have shown to us.

A huge thank you to the Yukon Chef Collective for their contributions.

*Applause*

**Mr. Istchenko:** Mr. Speaker, I am pleased and proud to rise in the House today to celebrate the actions of a talented and determined group of Yukon chefs who came together to ensure that Yukoners did not miss healthy and balanced meals due to COVID-19 restrictions due to job loss, isolation, or temporary closure.

Chef Chris Irving started with a GoFundMe and a personal goal of raising \$5,000 to prepare 1,000 meals for distribution to the community. With support continuing to pour in, food continued to pour out. Other local chefs came to his aid, preparing different parts of the meals in their own kitchens. After securing an assessment from the health professionals to show that the small group working together under one roof could be low risk, they were able to come together to prepare meals without having additional logistics to figure out.

From there, the Yukon Chef Collective was born, as were an average of 300 meals per week distributed to Yukoners needing a healthy meal.

Along with Chef Irving, the Wayfarer Oyster House's Brian Ng, Wandering Bison's Luke Legault, Smoke and Sow's Ray Magnuson and Steve Clapp, baker Michael Roberts of Landed Bakehouse — and many other volunteers whom the minister spoke of earlier — dedicated their time, stores, food, expertise, and energy to create an amazing weekly menu for a great cause. With the dedicated use of Cat McInroy's Well Bread Culinary Centre's kitchen, the group worked with donations of food and ingredients from restaurants, distributors, businesses, and farms as well as the financial donations from Yukoners to provide meals throughout the summer from April to August.

The meals prepared were nothing short of incredible. The Yukon Chef Collective collaborated weekly to construct gourmet meals on the fly from fresh ingredients featuring locally grown meats, vegetables, and herbs.

I want to thank this generous group of individuals for not only filling a need within our community, but doing it with the professionalism and flair that our local culinary community is well known for. Well done, Yukoners.

*Applause*

**Ms. White:** Mr. Speaker, today I stand on behalf of the Yukon NDP to add our voices to the chorus of thanks to Yukon Chef Collective. Last fall when Chef Chris Irving's vehicle and all of his possessions were stolen in BC, a friend of his started a GoFundMe to help him recover from the loss. Yukoners, in true Yukon fashion, responded with compassion and kindness. He was blown away. This spring when the world felt crazy, he wanted to pay that kindness forward. With an idea and willing participants, the Yukon Chef Collective was born.

When you think about family gatherings, special occasions, and get-togethers with friends, it often revolves around the sharing of a meal, and that is because food is an expression of love.

A group of folks with skills and some time on their hands decided to respond to the uncertainty created by the pandemic with love. Chef Chris Irving, Chef Brian Ng from the Wayfarer Oyster House, Chef Luke Legault from the Wandering Bison,

Chef Michael Roberts from Landed Bakehouse, and Chef Ray Magnuson from Smoke and Sow set about to feed the community — and feed the community they have, with over 13,000 meals distributed by the Whitehorse Food Bank.

The collective didn't stand alone. The community stood behind them every step of the way as they raised approximately \$35,000. Every single dollar raised was turned into delicious meals for the community. Donations of ingredients came from all sectors, so whenever possible, meals were created with local meat and produce. Colourful, flavourful, and nourishing — a true reflection of love during a stressful time.

*Applause*

### In recognition of Fireweed Heroes

**Hon. Mr. Silver:** Mr. Speaker, today I rise to pay tribute to Yukon's Fireweed Heroes. I am so pleased to speak about these kind-hearted Yukoners who have created and presented beaded fireweed pins to honour essential workers and community leaders.

Kyla Popadynech in Dawson City started the campaign this past April. She was working at the Dawson City Community Hospital when she saw the nurses there going above and beyond to maintain safe patient care. She wanted to let them know how much their efforts were appreciated. Kyla's gifts were well-received and soon other caring Yukoners joined her to create and distribute these beautiful pins.

Yukoners — like the grade 7 First Nation studies students at Robert Service School in Dawson City and also the Fireweed Heroes at the Tantalus School in Carmacks — their unique and thoughtful gifts are important reminders of how much we appreciate the dedication of everyday heroes. Hundreds of Yukoners have now received these colourful pins across the territory — Yukoners like the Riverside Grocery employees in Whitehorse; Dawson City fire chief Mike Masserey; nursing home assistant Sari Paalanen; dedicated staff at the Yukon Communicable Disease Centre are also recipients of the pins; also American sign language interpreter Mary Tiessen, who has tirelessly worked to ensure that our deaf community receives important public information; and Dr. Brendan Hanley, our chief medical officer of health, whose calm, focused medical leadership has been appreciated by this government and by Yukoners.

There are too many to mention here today, Mr. Speaker, but we thank all recipients for having our backs and getting us through this pandemic. The fireweed flower symbolizes strength, healing, and renewal — all traits that match the character of those who wear the pins and everyone on our front lines.

Our truck drivers, our police, our paramedics, store owners, and shelter staff as well — everyone who has sacrificed for the common good — thank you. Thank you to the Fireweed Heroes as well for letting them know that Yukoners appreciate their perseverance, their kindness and resolve in the face of these unprecedented challenges. To each and every beader: You demonstrated kindness in action by contributing your time and your creativity to recognizing our outstanding Yukoners. Your connection to community is inspiring and we hope that

you continue with your efforts to spread kindness and meaningful recognition. Thank you very much.

*Applause*

**Ms. Van Bibber:** I'm pleased to rise on behalf of the Yukon Party Official Opposition to pay tribute to a very special, homegrown movement: Fireweed Heroes. Kyla Popadynech of Dawson City came up with an amazing idea.

In March or April, Kyla started making beaded fireweed lapel pins for health care workers to show her appreciation. She put out a call for others who may be interested in beading pins. Who answered? Dawson residents, Yukon residents, then Alaska and Yellowknife all answered the call.

The initiative took hold, and soon hundreds of crafters — some experienced beaders and some just learning the art — began to bead beautiful representations of fireweed. All colours and styles were created in short order, and all gifted to front-line workers across the territory.

Yukon's flower, the fireweed, is the first thing to appear and flourish after a forest fire. Fireweed was chosen, as it represents renewal, healing, and strength — key characteristics of the beautiful magenta flower. To most of us in the territory, fireweed represents home and wilderness.

Pins came flooding in from all communities and were distributed not only to health care workers but also to essential workers across the territory. You will see grocery clerks, truck drivers, medical professionals, and service workers don their pins proudly in a true show of Yukon solidarity.

The Fireweed Heroes Facebook group brought people from across the north together with the goal of showing appreciation for all front-line workers. The group was there to answer questions from new beaders, to offer assistance, advice, and praise, and to support one another.

A *National Post* article headline read: "Northern Residents embrace plan for unique beaded pin honouring COVID-19 workers". Kyla was interviewed and she said — and I quote: "The idea is that front-line workers can wear (the pins) in times of uncertainty... They can realize that there's lots of community members behind them, supporting them."

I would like to convey our sincere thanks to all beaders who contributed their time and skills to this wonderful cause. To Kyla and all the organizers: This has truly put the Yukon on the map for a great reason in a troublesome time and it has put smiles on many faces. Thank you.

*Applause*

**Ms. White:** Today, I stand on behalf of the Yukon NDP to offer my thanks and gratitude to the Yukon beaders who created the Fireweed Heroes pins. Beading is an intentional activity. You need to pay attention every step of the way, from threading the needle to the placement of the bead. It's intentional in the design of the pattern, the addition of the backing, and the placement of the pin. When you see a beaded piece, you're seeing the history of art and of storytelling.

The first time I saw a beaded fireweed, I smiled and I nodded. I understood the importance of the gift of a fireweed pin. It was the acknowledgement that the work being done was

important. The pins come in a bag that says “strength, healing, renewal” and it thanks the wearer for their service as a front-line worker. When possible, it includes the name of the beader and the date it was completed.

This summer, I saw fireweed pins being worn by front-line workers across the territory. Each pin is as individual as the job and the person doing it. Each is beautiful and each inspires hope — just like every front-line worker who wears one.

*Applause*

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

### TABLING RETURNS AND DOCUMENTS

**Ms. Van Bibber:** I have for tabling a document signed by the residents and owners along the Tagish River regarding their concerns with the Tagish River Habitat Protection Area Steering Committee’s draft management plan.

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

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

### NOTICES OF MOTIONS

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

THAT Bruce McLennan, chair of the *Putting People First* review, and Greg Marchildon, committee member of the *Putting People First* review, appear as witnesses before Committee of the Whole by teleconference on Monday, October 19, 2020, from 3:30 p.m. to 5:30 p.m., notwithstanding any current Standing Orders or practices regarding witnesses’ physical presence in the Chamber, to answer questions related to *Putting People First — The final report of the comprehensive review of Yukon’s health and social programs and services*.

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

THAT this House supports the Emergency Coordination Centre in response to the COVID-19 pandemic.

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

THAT this House urges the Government of Yukon to announce a date for the implementation of affordable universal daycare for Yukoners.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to collaborate with other jurisdictions to establish a fast-tracked negotiation mechanism for drugs for rare diseases — specifically Trikafta, a drug used in the treatment of cystic fibrosis.

**Ms. Hanson:** I rise to give notice of the following motion for the production of papers:

THAT the Government of Yukon produce for tabling the 2019-20 annual report of the Yukon Child Care Board.

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

THAT this House urges the Yukon government to continue supporting the operation of the Fireweed Community Market by renewing its annual funding agreement.

I also give notice of the following motion:

THAT this House urges the Yukon government to support local businesses during the pandemic, including by purchasing locally manufactured products such as hand sanitizer.

I also give notice of the following motion:

THAT this House urges the Department of Energy, Mines and Resources to fix the roads into the Fox Lake burn woodcutting area quickly, in recognition of the impact that this is having on the ability of local fuel-wood businesses to access the area.

I also give notice of the following motion:

THAT this House urges the Minister of Energy, Mines and Resources to provide a public update on the status of the Fox Lake local area planning, including expected timelines for completion, by October 30, 2020.

I also give notice of the following motion:

THAT this House urges the Minister of Energy, Mines and Resources to provide a public update on the status of rezoning for the Shallow Bay area, including expected timelines for completion, by October 30, 2020.

I also give notice of the following motion:

THAT this House urges the Minister of Justice to explain why the 2019-20 *Supplementary Estimates No. 3* does not include a reduction for unspent funds associated with vacant RCMP positions, and what that money was actually spent on in the 2019-20 fiscal year.

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

THAT this House urges the Government of Yukon to increase the availability of information to the public by improving its website, including restoring information that used to be available on the old website which is now nowhere to be found on the new site.

**Ms. Van Bibber:** I rise today to give notice of the following motion for the production of papers:

THAT this House do issue an order for the return of the following from the Government of Yukon:

(1) total cost to date for renovations and equipment at 22 Wann Road;

(2) operation and maintenance costs for the group home at 22 Wann Road; and

(3) any repair costs for damages to the facility.

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

THAT this House urges the Minister of Health and Social Services to provide a detailed breakdown of spending associated with the pandemic.

I also give notice of the following motion:

THAT this House urges the Premier to disclose the true costs of operating the Whitehorse Emergency Shelter, including a breakdown by department and a full accounting showing where costs have ballooned beyond the original budget for the facility.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to make public the actual costs of the comprehensive health review, including costs of the panel and department staff costs associated with supporting the panel.

**Speaker:** Are there any further notices of motions?

Is there a statement by a minister?

## MINISTERIAL STATEMENT

### Alaska Highway improvements

**Hon. Mr. Mostyn:** Since it was built nearly 80 years ago, the Alaska Highway has been one of the most important transportation corridors through Yukon. It has served generations of Yukoners and countless visitors, and it remains a vital link connecting our communities. Today I am pleased to update Yukoners on the work that our government has done this summer to improve the Alaska Highway, particularly the section that passes through Whitehorse.

Each day, this section of the highway is travelled by thousands of road users, including pedestrians, cyclists, commuters, tourists, and industrial traffic. This level of traffic is only going to increase in the years ahead, with the Yukon's population projected to grow to 49,000 by 2030.

Mr. Speaker, our goal is to ensure that our highway infrastructure can accommodate all road users safely and in a way that meets the needs of today as well as the needs of tomorrow. As we plan for increased traffic flows over the coming decade, our construction projects are focused on improving safety. Indeed, the safety of the travelling public is a top priority for our government and it has been the guiding principle for the construction work happening on the Alaska Highway near the Whitehorse airport and on the north Klondike intersection these past few months.

This summer marked the first phase of a three-phase safety upgrade project taking place near the airport. By the end of the construction season, we will have a new signalized intersection at Hillcrest Drive. This intersection will provide a safe crossing for pedestrians and cyclists — a long-standing request from local residents. Upon completion, the intersection will have additional through lanes, dedicated turn lanes, and improved lighting. These features will help to improve safety for all road

users. Local residents and Whitehorse cyclists will also enjoy a new multi-purpose trail adjacent to this section of highway. In addition, the previously uncontrolled accesses in the Hillcrest area of the Alaska Highway have now been closed. These accesses created dangerous traffic flows and increased the risk of collision in the area.

Mr. Speaker, I am pleased to share with this House that construction has been moving along and is now almost complete for the season. This summer, we also started working on the long-overdue safety upgrades for the north Klondike Highway intersection. This work includes new turning lanes off of the Alaska Highway, additional lighting, and through-traffic lanes to reduce vehicle conflicts. These features will substantially improve road-user safety and support the flow of traffic. Furthermore, there will be a new intersection for access to the Cousins rest stop. This access will also provide a much-needed frontage road to residential and commercial properties.

Mr. Speaker, I'm pleased to inform you that these upgrades are also nearing completion. Our government recognizes that construction projects of this nature tend to cause delays and detours for Yukoners, but the long-term safety benefits and improvements greatly outweigh the short-term inconvenience. We are grateful for the patience and understanding of the community and all those using the Alaska Highway throughout the construction work this season. We spent more than \$10 million on these improvements and it is money well spent. These safety upgrades have the potential to save lives and prevent countless accidents. I am very much looking forward to sharing news on further upgrades that will be happening along the Alaska Highway next season.

**Mr. Hassard:** I am pleased to have the opportunity today to speak to the expansion and widening of the highway corridor along the Alaska Highway through the Hillcrest subdivision and for upgrades to the Mayo Road turnoff.

As the minister points out, these will hopefully improve safety and traffic flow through these areas, and we are certainly supportive of that. As traffic grows in the territory — either through residential or commercial traffic related to mining or other activities — it's essential for our economy to have strong and reliable transportation links in the territory.

Many businesses, communities, and people in our territory rely on highways. Most everything is trucked into the Yukon — from food to clothing to construction materials — and in many respects, the highway is our lifeblood.

I do have to note that these upgrades, particularly the safety upgrades to the road around the Mayo cut-off, were done after the Yukon Party pushed the government to take action. I do have some questions about the budget for the project, so when the minister gets back up in response, I'm hoping that he can answer some of these.

I know the minister stated that they spent over \$10 million on the project to date, so I'm wondering if he could tell us how much was budgeted for the project and whether these expenditures are overbudget or underbudget. The minister also mentioned that this was the first of three phases of upgrades to the road around the airport. Is the minister able to tell us about

the other two phases? When will they start? What do they include? When will they be completed?

I'm also wondering if the minister can tell us what the plans are for other upgrades along the Alaska Highway. We know that the stretch of road through Porter Creek is in need of safety upgrades, especially in front of Goody's gas and Super A. Currently, there is no turning lane and there is an unsafe crosswalk across that portion of highway. This can be very dangerous in the winter, and there have been a number of close calls.

We also hear lots of concerns about the area of the Alaska Highway in front of Yukon Yamaha and Standard buses. Currently, there is no turning lane, which means it can be very dangerous during rush hour for those travelling to Whitehorse or leaving Whitehorse going south.

We also have questions about whether or not safety upgrades can or will be made to the approach to the Lewes River bridge. Right now, the approach can be very dangerous, especially during wet or icy conditions. We also know that there are a number of bridges in the territory with dangerous approaches, which can lead to close calls. What is the government's plan to address these going forward?

What I'm looking for is a bit more insight into the planned future upgrades and what the budgeted expenses of those are. As for the planning of the current phases around the airport — which we are talking about today — I want to raise a couple of issues and ask just a couple more questions.

On November 13 and November 27 of last year, the minister was asked whether or not the government was in discussions to take over the Sally Ann property along the Alaska Highway where the ARC was located. After ignoring the initial question on November 13, the minister finally responded to follow-up questions on November 27, stating that the government was only looking to obtain the Airport Chalet. However, on January 2, the Liberal government submitted a proposal to YESAB stating that it is currently in discussions with the Salvation Army to take over ownership of the land.

The document specifically states that the government has been in discussion with a number of groups — the Salvation Army included — about the project since February 2019 — this despite the fact that the minister claimed in November that his government was not looking at the property.

So I'm hoping that the minister can tell us today how much was actually spent on the purchasing of land.

**Ms. Hanson:** On behalf of the Yukon NDP, I have a few comments to offer in response to the Minister of Highways and Public Works' statement today.

It is pretty clear to anyone travelling through Whitehorse, even in these COVID times — you couldn't help but notice the Alaska Highway construction this summer because of the number of areas along the Alaska Highway where the construction activity became such a daily challenge that area citizens resorted to Facebook to note where the daily obstacle course was for that day.

The minister's statement today reads like it came from an alternate universe to the actual experience of those navigating

the Alaska Highway corridor through Whitehorse. What the minister chose not to reflect today, unfortunately, was any sense that he had an appreciation for the safety of those travelling along and across the Alaska Highway corridor in Whitehorse, whether they were in their cars or trucks or on their bicycles or if they were pedestrians. No mention was made of lessons learned or how he has directed the Department of Highways and Public Works to remedy problems encountered this summer, such as poor signage and flagging. Either they were not up to safety standards or sometimes they were just missing — dangerous situations for pedestrians and cyclists trying to navigate construction with no clear signage on where to go. Roads were closed with no notice, creating problems for city and school buses, never mind the businesses and residents impacted.

The minister's response to a litany of complaints from citizens was to hand out the cell number of a construction supervisor — this on a project that this government is responsible for. Surely this government had its own project supervisor and staff monitoring the sites. Other sections of Yukon highways were also worked on but not mentioned by this minister — maybe not mentioned due to even more complaints.

What we heard from Yukoners trying to negotiate these areas were the problems associated with these improvements. I won't go into a long list, but suffice it to say, the minister knows what those were. It is his response that was concerning. When the minister suggests that people just slow down, it doesn't help the individual who does slow down and still has to put out \$400 to replace a windshield or has been injured by flying rocks spun up by construction vehicles.

Highway improvements are necessary and important — for Yukoners, for businesses, and for tourists. But safety while making these improvements needs to be addressed. These safety requirements should be part of any contract handed out by this government. The minister has a responsibility to make sure that these requirements are not only built into government contracts, but that his officials monitor them to ensure that they are followed.

We live and hope that, when tourists once again travel Yukon highways, they will not have to experience what so many Yukon travellers did this summer. We can live and hope that the minister will take his statement today as a statement of aspiration for his expectations of how future roadwork in the Yukon will be carried out so that Yukoners and our visitors can feel confident that, as minister responsible for Yukon highways, he is committed to the safety of all who travel Yukon's highways.

**Hon. Mr. Mostyn:** I thank the members opposite for their comments on this project — which is a very necessary safety improvement through Whitehorse — this afternoon.

I want to assure the Member for Whitehorse Centre that, throughout this construction project, I not only drove through the site several times a week, but I also biked and talked to the bikers going through this several times throughout this construction project to maintain an idea for what was going on

at this site and what people were having to contend with. I biked through it on multiple occasions. I spoke to the flag people on the site. I spoke to bikers and had conversations with them going through this site and learned myself how difficult it was to navigate. Mr. Speaker, I reported that information back to the department and asked that it be dealt with.

I also want to assure the member opposite that safety considerations are built into all of our contracts and that the department does monitor those contracts and it does maintain them.

What we're talking about here, though, is a very, very complicated construction job in one of the busiest stretches of highway in northern Canada. What happened there, Mr. Speaker, is that it was a terrible stretch of road to begin with and we pulled all of the accesses and everything out of that area and then tried to manage all that traffic through that area. The construction company worked through a pandemic and through terrible weather, and they made sure they had the staff and got the job done.

It was an inconvenience. I empathize with the residents who live in Hillcrest and who had to navigate that construction site — which actually was several construction sites, Mr. Speaker — and, yes, it did change on a regular basis. In workplace safety, we are taught to identify the hazards and adapt to the hazards as they present themselves, and that's exactly what the construction company was doing throughout this job.

Mr. Speaker, the Leader of the Official Opposition has spoken about the budget. It was a \$10-million budget for both jobs — roughly \$5 million apiece. We are still waiting to find out the final price of this, but I have not been led to believe that it has gone overbudget; I believe that it was delivered on time and on budget. I really appreciate the work of the construction companies through a very difficult year to get all of this work done to enhance the safety of one of the most important corridors in the Yukon, making sure that the road going forward is safe and able to handle the traffic volumes that we will see in the future.

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

## QUESTION PERIOD

### Question re: Diesel energy generation costs

**Mr. Hassard:** As we have discussed here many times, the territory is facing an energy crisis. The short-sighted decision by the Liberals to cancel plans for a new LNG facility and to instead rely on renting diesel generators and building new diesel plants over the next decade has put Yukon in a dangerous place. No one wants us to be in a position where there could be frigid weather in the dead of winter and our rented diesel generators are on the brink of running out of fuel. However, this was precisely the case last winter. The Official Opposition has obtained e-mails indicating that, in January, the fuel supply was getting so bad for Yukon Energy that their fuel supplier was not "... panicking yet, but are a bit edgy with the situation."

Can the minister confirm how close the Yukon Energy Corporation was to running out of fuel in January?

**Hon. Mr. Pillai:** Mr. Speaker, first of all, let me get the appropriate information. I will go back and look at those dates. I know that we were in some very tight spots, and it had to do with a series of events. It really came down to, in one particular case, Skagway Pass being closed. We were in a position where normally we would see shipments of fuel come over that pass. We did work very closely with the Minister of Highways and Public Works to monitor that situation and to move as quickly as we could to move fuel over, but the team at Yukon Energy Corporation were very innovative. They reached out across the territory and to ATCO as well to ensure that we had fuel.

I will come back with specifics on it, but, yes — last year there was a perfect storm — but, again, when we talk about the diesel generators, we are talking about backup power in case of an N-1 scenario and that means, "What would happen if one of our bigger assets such as Aishihik or the Whitehorse dam went down?" I don't want to muddy the waters, but it is always good to have contingency plans and the lessons learned from the situation last year.

**Mr. Hassard:** So, as referenced, the fuel supply for our diesel generators was so low that Yukon Energy sent an e-mail indicating that their supplier was — quote: "... a bit edgy with the situation". The e-mail — dated January 16, 2020 — goes on to state that there were only a few days of fuel supply left. For reference, the average temperature for the week of January 16 was minus 37, with lows going down to almost minus 41 on January 18.

The prospect of running out of fuel during such frigid temperatures is certainly scary, especially for Yukoners who rely on electricity to heat their homes. If we are going to rely on diesel generators for electricity, we need to ensure that we have an ample amount of fuel on hand — otherwise the government is putting Yukoners at risk and we end up in a dangerous situation.

What is the government's plan to ensure that Yukoners do not have to be a bit edgy around our fuel supplies this winter?

**Hon. Mr. Pillai:** First of all, I think that this is a fantastic question, and it is great to debate this and to consider the situation of last year. So, I do appreciate the question and we will work with Yukon Energy over the short run to come back and let you know what they are looking at for contingency plans.

But I think it is also important to note that the question seems to be tying together backup generators to the short-sightedness of building a diesel plant. What we are talking about is fuel supply — so whether you were renting diesel generators or you built a megadiesel plant, which the opposition are talking about, you are still going to need fuel for either one. If we are talking about contingency for fuel supply — absolutely — I think it is a great item to debate here — I will come back on that one — but let's not use smoke and mirrors here. That has nothing to do with whether you have rented diesel or a megadiesel plant, as the opposition wants to build.

**Mr. Hassard:** So, the e-mail we have indicating that the Yukon's fuel supply was getting very low was obtained through



ATIPP. However, when we first filed this request in June, we received a response that said there were no records found. It was not until we filed a complaint with the Information and Privacy Commissioner that the Liberal government finally released the e-mails months later.

Can the Deputy Premier tell us if he or anyone in the Cabinet offices were notified of this access-to-information request at any time throughout the process?

**Hon. Mr. Pillai:** No, I was not made aware of any request. Again, when these requests are made, that's not something that I'm made aware of. I apologize to the opposition if there was any delay. Again, this is a great topic for us to debate.

We had a situation last year where we were in a position where fuel was very scarce and we were at a very critical point. I think that my office and the Yukon Energy Corporation have an obligation to take that into consideration and make sure that we take lessons learned from that and that we do have a contingency plan.

I'm going to make that commitment to the members opposite to come back and work with Yukon Energy to ensure that they do have a contingency plan so that we're ready in case something like this happens in January 2021.

#### **Question re: Liard First Nation election, perceived interference by Yukon government**

**Mr. Kent:** On June 29, the Liard First Nation held its election for a new chief. At the time, the Minister of Energy, Mines and Resources was accused of interfering with that election by making a government announcement with one of the candidates just days before the vote.

Can the minister tell us if there are any policies or protocols against doing government announcements using government money that may interfere in the elections of other orders of government? Have any changes been made to government announcement policies as a result of this particular incident?

**Hon. Mr. Pillai:** Again, I'm happy to see the progress that's happening with Liard First Nation on this particular project. I know the new administration with Liard First Nation are quite happy to continue the work on this project. We're seeing the nation — their development corporation — looking to purchase pieces of equipment and to keep moving on it.

The decisions that were made around that particular agreement were passed through a process and agreed upon before the election process had begun. We thought it was appropriate to announce this and to make sure that the entities that are out there in the construction business, especially during COVID, were aware of this particular opportunity.

I look forward to continuing to work with the new chief of the Liard First Nation, as well as their team at their development corporation.

**Mr. Kent:** So this question isn't about that project. I'm sure we'll have time to discuss that going forward. It's about perceived interference in the Liard First Nation election, which was held on June 29. The Yukon government announcement of this project was made on June 25.

Can the Minister of Energy, Mines and Resources tell us why the decision was made to make the government announcement with one of the candidates just four days before the election and why could the announcement not have been held until after the election?

**Hon. Mr. Pillai:** There are a few points there. First of all, we had to go through a Cabinet process. After we had gone through the Cabinet process, we felt that it was appropriate to make the public announcement on that decision after it was decided upon. Secondly, think — from my conversations or communication with the Chief of Liard First Nation — that he is happy to work together as we move forward.

When I think about announcements and the Gateway project, the one that always shocks me is the one that was made in the spring of 2016 when the individual who is actually asking me the questions had the Mayor of Carmacks come out and celebrate the starting of a project, and there had not even been an agreement in place. The First Nation wasn't even aware of it. That's the boondoggle that we have been cleaning up.

If anybody deserves to maybe answer some questions about making formal announcements and bringing other levels of government in when there is not even an agreement, it's the person asking the questions.

**Mr. Kent:** I can understand why the minister is uncomfortable answering these questions, because there were some serious concerns raised by other candidates in that Liard First Nation chief election with regard to the timing of the minister's announcement — again, which happened four days before the election.

According to a July 1 *Yukon News* article, a Liberal Cabinet spokesperson — and I quote: "... did not respond to questions about whether the Yukon government believed it had interfered with LFN's election."

So, I'm asking the minister here today: Can he answer that question?

**Hon. Mr. Pillai:** Again, our two governments continue to work together on this particular project. We will continue to support Liard First Nation as they go through it. I'm going to continue to make sure that I'm working with their chief and council on this particular topic. I know that the Premier and other ministers were there to visit, and the response to date has been that they are quite happy with this project.

So, we have an agreement signed, we have a project moving forward, and we look forward to speaking about this project and really informing Yukoners about Gateway in broader terms — about what we have seen and the pieces that we were left with when we came into government.

#### **Question re: Government jobs in rural communities**

**Ms. White:** Last week, the government supported the NDP motion to bring more jobs to Yukon communities and to decentralize YG jobs. This could have a great economic impact in many communities if the government's actions match its words. The minister pointed to a very specific example, and I quote: "... having regional economic officers living and working in the communities that they serve can be effective.

This has already happened in Watson Lake.” Yet we learned this morning on CBC that the very position that the minister spoke of was cancelled back in February.

Can the minister explain why his words don’t match reality when it comes to locating YG jobs in communities?

**Hon. Mr. Pillai:** I think that is the minister that the member opposite wants to hear from.

I’ll share the same thing with the Legislative Assembly that I did with the media yesterday as well during the scrum. I think that having economic development regional positions in communities is a very important thing, and I think there is tremendous value in it. In some cases, we funded positions or secondments — whether they be in Burwash, Haines Junction, Dawson City, and many communities — Ross River — and so we have looked at both of those options.

Again, in this particular case, I still support us having a position in Watson Lake. I think we did a pilot over the last two years. The department has a chance to reflect on that. I think that it is important to have individuals in all of these communities.

I look forward to questions 2 and 3, but I just want to state for the record that our government — as well as the department that I work with — supports having individuals out there. I think they add tremendous value by knowing those communities.

**Ms. White:** The Minister of Economic Development said — and I quote: “... we have had the opportunity to move somebody from Regional Economic Development to that community to live there.” Those are his words from a week ago. As it turns out, it was all made up, and this proud Watson Lake resident is being forced to relocate to Whitehorse or risk losing her job. How is this fair? The minister was using someone’s precarious situation to score political points.

So, let me ask a general question to the minister: Will he commit that no employee, whoever they are, will be sanctioned for sharing their experience working in the communities, even if they contradict the minister’s words?

**Hon. Mr. Pillai:** Mr. Speaker, if you have spent multiple mandates in opposition asking questions, you know that if a question is asked about a particular employee that, on this side of the bench, you can’t answer — why would you ask the question? For political points.

**Ms. White:** The minister is happy to talk about human resources when it supports his agenda, but he is now using this as an excuse to avoid accountability. Let it be known on the record that, if any sanction is taken against this employee, it is the responsibility of this very minister.

I want to look at another surprising statement that the minister made to the CBC. The minister said that his department offers funding to First Nations and municipalities that want to hire their own economic development staff. I can tell you that this is news to many communities. They have been told that Economic Development funding is project-based and not available for hiring staff.

Can the minister give any example of a municipality or First Nation that has received funding through Economic

Development to hire their own economic development advisers?

**Hon. Mr. Pillai:** I will give two particular cases. In both situations, they are project-driven — so there’s a project that has been identified and therefore, within the project, there is capacity that is needed to execute the project. The two particular ones I would look at would be the work with the Tr’ondëk Hwëch’in that was funded partially by the Department of Economic Development and partially by the Department of Energy, Mines and Resources. In the past, Regional Economic Development has done funding as well in Haines Junction where it has been project-driven.

Those particular either First Nation development corporations or governments identified a project or that part of the work that is needed is somebody within the project, and we have funded them. So again, the member opposite is misleading a bit. There is full commitment here toward making sure that there are individuals — whether they are from the Yukon government or we work with other entities — in those particular communities. We think that this is important work, and it is work that we will stand behind and continue to do.

#### **Question re: Tagish River habitat protection area management plan**

**Ms. Van Bibber:** The property owners in Tagish have significant concerns with the current draft of the habitat protection area plan for the Tagish River. We tabled a letter signed by 42 of those individuals. We know that consultations close on October 31 on the current draft plan. The process beyond this is unclear.

Can the minister tell us what the next steps are and who will be making the final decisions on the Tagish River HPA?

**Hon. Ms. Frost:** With respect to the Tagish River habitat protection management plan — it is certainly important to look at our commitments under the *Carcross/Tagish First Nation Final Agreement* when preparing that plan and working via the committee that has been established.

Of course, it is important as we look at the government’s responsibilities — looking at the *Carcross/Tagish First Nation’s* responsibilities. There is a significant piece of history there as well that we have to take into consideration in terms of hosting public engagements. There are specific recommendations that came out of the plan — of course, that was a bit delayed. We have certainly undertaken quite a bit of public engagement, incorporating all of the measures that have been imposed on us, and we will continue to do just that.

I want to just assure the constituents in Carcross/Tagish and that area that we will continue to do the dedicated work that started in 2015 and to initiate an intergovernmental collaboration process.

**Ms. Van Bibber:** One of the most contentious issues is with respect to reducing the number of docks along the river. Many owners are worried about losing existing structures or not being able to build new docks. They feel that this will negatively impact their enjoyment of their property and the value of their investment.

Will the minister commit to allowing one dock per property, as asked for by the signatories?

**Hon. Ms. Frost:** As indicated, there were 33 recommendations presented in the plan through various consultative processes. Of course, as we look at integration of the management plan and structure, we always want to consider the local traditional knowledge of that area, but we also want to look at some of the large community concerns along shoreline development. But I certainly will not commit on the floor of the Legislative Assembly to do anything that would compromise the engagement, as it is currently happening. That would be counterproductive and it would contravene the decisions that have been made, or the recommendations. Until that is concluded, I would suggest that we will take that under advisement and we will bring it back.

**Ms. Van Bibber:** This process is underway at the same time as the Tagish local area plan is being developed. It sounds like both plans are being conducted in isolation of one another. How will the minister reconcile differences between the two plans?

**Hon. Ms. Frost:** I would beg to differ. I believe that those are two things that are happening simultaneously.

#### **Question re: Whitehorse Waterfront Trolley**

**Mr. Istchenko:** As we know, the Whitehorse Waterfront Trolley had — past tense — been a staple in a very visible part of the city since 2000. After a lot of volunteer time and government money was invested into the system over the years, in 2019, the Liberal government decided to derail the trolley by pulling the plug on annual funding. This came as a shock to many.

Since then, older parts of the track, namely by the Kwanlin Dūin Cultural Centre, have degraded to a point where they become a safety hazard. Last Friday, Highways and Public Works posted on social media that it would be “removing unsafe segments”. So, Mr. Speaker, why has it taken so long to address such a visible safety hazard?

**Hon. Mr. Mostyn:** I want to thank the member opposite for the question on the Whitehorse trolley this afternoon. We are working to address the public concerns. It has been brought to our attention that the tracks pose a safety hazard for the public as the wooden ties are worn and are a potential tripping hazard. The government spent \$14,000 to repair and replace timber along selected locations of the trolley track to ensure public safety in the summer of 2019.

So, Mr. Speaker, right away, the member opposite is incorrect. We have taken action to fix these hazards — but upon having those fixes in place, we have now reflected on it, taken another look, and realized that they are not doing the work that they should have done, so this year we will be removing a section of the track that is in poor condition.

The member opposite is right. We did post that on social media, and we are responding quickly to the public’s concerns. We hired a contractor. This was the earliest that they could get the job done.

**Mr. Istchenko:** It is great to see that this minister is finally fixing the unsafe part of the track, but it may be fine and

dandy to clean this up — because it is an unsafe segment of the track — but as I mentioned earlier, this track is very visible all along the Whitehorse waterfront. Besides, unsafe sections are where sections were repaired and replaced in 2017 and 2018, thanks to funding from the museum, which is stretched in their dollars as it is.

The work included upgrades to the rails, the railbed, as well as the trolley. How much is it costing to have the trolley sit idle, and who is picking up that cost?

**Hon. Mr. Mostyn:** For 18 years, the Government of Yukon supported the Whitehorse Waterfront Trolley through annual funding agreements as well as multiple one-time contributions. The trolley’s original business plan, as put forward by the original not-for-profit operator, was modelled on a financially self-sufficient trolley that was never realized. In keeping with our government’s commitment to provide value for taxpayer money, we have decided to discontinue the funding of the trolley’s operation, and that is saving us hundreds of thousands of dollars a year.

**Mr. Istchenko:** The new section from the Wheelhouse to Rotary Peace Park did carry passengers for a few months in 2018. Downtown businesses and tourism operators who are looking for any attraction they can get right now and rural constituents who like to come in and let their youth ride on the train expressed to us their disappointment that they cannot look forward to riding the trolley each year.

Mr. Speaker, here’s a basic question: What is the overall plan for the Whitehorse Waterfront Trolley?

**Hon. Mr. Mostyn:** In 1999, the Yukon government purchased a Portuguese narrow-gauge trolley from a railroad museum in Minnesota to support the endeavour of the Miles Canyon Historical Railway Society to operate a train on the Whitehorse waterfront. In March 2017, MacBride Museum took over the trolley operation from the society. Their agreement with us expired and we decided not to fund it anymore.

In 2018-19 through to 2010-11, we spent \$107,000 in annual transfer payments to the trolley. The additional one-time funding came to \$439,000 in 2017-18 — extraordinary amounts of money. Ridership was about 10,500 passengers per year. The annual government subsidy equated to \$32 per rider. We decided that was no longer a good use of public money and we have stopped funding the Waterfront Trolley.

#### **Question re: Affordable housing and land development**

**Ms. Van Bibber:** The issue of housing availability, land availability, and of course affordability has increased significantly in the last four years. According to the Yukon Bureau of Statistics, the average price for a single detached home was \$546,800 this summer. This is an increase of \$123,500 compared to 2016. As a result, many Yukoners have seen their dream of home ownership disappear over these last four years.

Can the government tell us what is being done to ensure that Yukoners can actually afford to purchase a home?

**Hon. Mr. Pillai:** I think this probably touches on a series of portfolios here — myself, the Minister responsible for Yukon Housing Corporation, as well as Community Services.

I think it's just important to report to the Assembly — just over lunch, the Premier and I sat at the Yukon Contractors Association AGM. It's a good opportunity to get a sense from the sector on where they see the gaps and how we can ensure that lots can go out at the appropriate prices but also that we look forward and we don't see any bottleneck as we see lots go out the door.

We were happy to report — and I'm sure my colleague will touch on it — about the over 270 lots that will be going out this year. I know the financial expenditures on this particular work have grown greatly over the last couple of years. But also, more importantly, we need to be working with the City of Whitehorse to understand where the official community plan is going to lead us in the next set of developments.

We know that Whistle Bend has been a key spot. We continue to look at private land development. We have some announcements that we're pretty excited about — between me and the Minister of Community Services — over the next little bit around private development, but as we look forward, it's really key to make sure that we have that lot availability.

Based on population numbers back in 2011-12, we thought 200 lots would be enough. We still continue to use that number — but again, big investment is what's needed to keep prices stable.

**Ms. Van Bibber:** Clearly, these actions aren't enough, as more and more Yukoners are coming to the realization that they'll never be able to afford a home. Can the minister tell us what the current timeline is for the completion of all the phases of Whistle Bend?

**Hon. Mr. Streicker:** I'll have to work to get a specific projection on the timeline for the completion of Whistle Bend, although, as with many projects, there are always ways that it can be added to — for example, working with our First Nation partners — but I'll work to get a timeline back for the member's question.

I will note that I looked back, given earlier debate here — and I looked back at 2013-14, 2014-15, 2015-16, and 2016-17 — the previous four years of the last government. I added up all their investment in land development. The total was \$24 million. The total this year that we're investing is \$25 million.

So, we're investing heavily in lot development here in Whitehorse and across the territory, because we recognize that it's very important to keep lot availability in a growing economy. Even though there has been COVID-19, what the mayor of Whitehorse has told me is that they have more development started here in the territory than ever before.

**Ms. Van Bibber:** Recently, the issue of lack of affordability of commercial land has come to the forefront. A lack of commercial land is unfortunately another barrier to businesses during a crucial time of economic recovery. If local businesses do not have room or opportunity to expand, they will unfortunately look elsewhere. Efforts should be undertaken by

the Yukon government to help stimulate the economy by making commercial land available.

What action is the government taking to make more land available for commercial development?

**Hon. Mr. Pillai:** First of all, we have to take into consideration that, when we are talking about lot availability, there are different responsibilities — whether it is in Whitehorse or in our communities. Really, when it comes down to defining where either light industrial or industrial lots will go in the City of Whitehorse, of course, as the members opposite are aware, that falls under the official community plan. This goes back again — we have talked about it a lot of times — the memorandum of understanding in 2006, where the city defines where this happens.

We are ready, willing, and able to work within those guidelines and framework to ensure that we meet not just their goals when it comes to residential but also for industrial. I think we have had a small debate in the House about this. We still believe that there is a real opportunity for the private sector and private landholders to move toward getting out these particular types of lots. As I remember from our debate here in the House, there was some resistance from the Official Opposition in that particular conversation. It seems now that there's maybe a change of heart, which is great to hear. That is one option.

Also, I think that it is important to look at First Nations, such as Kwanlin Dün First Nation, who are also putting lots out at this particular time and now have the ability to register them after our work on the Land Titles Office.

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

## ORDERS OF THE DAY

### GOVERNMENT MOTIONS

#### Unanimous consent to move without notice a motion to extend the maximum number of sitting days for the 2020 Fall Sitting

**Hon. Ms. McPhee:** I request the unanimous consent of the House to move, without notice, pursuant to Standing Order 14.3 and notwithstanding Standing Order 27, a motion extending the maximum number of sitting days for the 2020 Fall Sitting to 45 days.

**Speaker:** The Government House Leader has requested the unanimous consent of the House to move, without notice, pursuant to Standing Order 14.3 and notwithstanding Standing Order 27, a motion extending the maximum number of sitting days for the 2020 Fall Sitting to 45 days.

Is there unanimous consent?

**All Hon. Members:** Agreed.

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

#### Motion No. 271

**Hon. Ms. McPhee:** I move:

THAT, notwithstanding Standing Order 75(2), the maximum number of sitting days for the 2020 Fall Sitting shall be 45 days.

**Speaker:** It has been moved by the Government House Leader:

THAT, notwithstanding Standing Order 75(2), the maximum number of sitting days for the 2020 Fall Sitting shall be 45 days.

**Hon. Ms. McPhee:** Thank you very much, Mr. Speaker, and thank you to all of my colleagues for the opportunity to bring this matter before the Legislative Assembly. There have been extensive discussions between the House Leaders over the last number of weeks. We have taken into account consideration of the business before the Legislative Assembly this fall. We have consulted extensively with our caucuses and have agreed that the Fall 2020 Sitting should be 45 days, ending on December 22, 2020.

Mr. Speaker, we gave much appreciation to the officials, the staff, the contractors, and the media who support the work of this Legislative Assembly every day, and we came to the determination that a 45-day session will be in the best service of Yukoners. I appreciate the opportunity to bring this before the House today.

**Mr. Kent:** I would like to join the Government House Leader in thanking colleagues and thanking her as well as the House Leader of the New Democratic Party for the discussion that we've undertaken over the past number of weeks in reaching this agreement today.

Of course, our preference would have been to sit for the normal 60 days in this calendar year. This agreement that we have reached today drops that down to 54 days. With the pandemic-shortened Spring Sitting and the Legislature not continuing this summer, that full 60 days was not possible.

Had this agreement not been reached, the default would have been 30 days, so it was important to find some common ground with colleagues, and we believe we have done this with a 45-day Fall Sitting.

We look forward to debate over the next 38 sitting days and to doing our job of holding the government to account during that time — and again, thanking colleagues on both sides of the House for coming to an agreement on an appropriate amount of time to conduct the business of the government, that business, of course, being done on behalf of Yukon residents.

**Ms. White:** To echo the thoughts of my colleagues, this is an example of how different parties can work together toward a common goal. It wasn't easy, but here we are with a final number. I also look forward to debate during the upcoming days.

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

**Some Hon. Member:** Division.

### Division

**Speaker:** Division has been called.

Are members prepared to waive the ringing of the bells?

**All Hon. Members:** Agreed.

**Speaker:** There is agreement.

Mr. Clerk, please poll the House.

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

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

**Hon. Ms. Frost:** Agree.

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

**Mr. Adel:** Agree.

**Mr. Hutton:** Disagree.

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

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

**Ms. McLeod:** Agree.

**Mr. Gallina:** Agree.

**Mr. Hassard:** Agree.

**Mr. Kent:** Agree.

**Mr. Cathers:** Agree.

**Mr. Istchenko:** Agree.

**Ms. Van Bibber:** Agree.

**Ms. McLeod:** Agree.

**Ms. White:** Agree.

**Ms. Hanson:** Agree.

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

**Speaker:** The yeas have it. I declare the motion carried.

*Motion agreed to*

### Government House Leader's report on length of Sitting

**Hon. Ms. McPhee:** Mr. Speaker, I rise pursuant to the provisions of Standing Order 75(4) and the motion adopted earlier today to inform the House that the House Leaders have met for the purposes of achieving agreement on the maximum number of sitting days for the current Sitting. The results of this meeting are that the current Sitting should be a maximum of 45 sitting days, with the 45<sup>th</sup> sitting day being Tuesday, December 22, 2020.

**Speaker:** Accordingly, I declare the current Sitting shall be a maximum of 45 sitting days, with the 45<sup>th</sup> sitting day being Tuesday, December 22, 2020.

### GOVERNMENT PRIVATE MEMBERS' BUSINESS

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

##### Motion No. 236

**Clerk:** Motion No. 236, standing in the name of Mr. Adel.

**Speaker:** It is moved the by the Member for Copperbelt North:

THAT this House supports the current state of emergency in Yukon.

**Mr. Adel:** Thank you, Mr. Speaker. I rise today to speak to Motion No. 236: "THAT this House supports the current state of emergency in Yukon" — so that the continued assessment and management of Yukon's COVID-19 response can happen.

The state of emergency was first brought into effect on March 27, 2020. Since then, the government has been working diligently to protect all Yukoners in the territory from the spread of COVID-19.

The Official Opposition has been quite clear that they oppose the state of emergency. The Member for Watson Lake was advocating for the opening of our border to Alberta just last week. It's not really surprising, given that the Yukon Party believes they know better than the industry professionals. They've gone so far as to promote financially and support lawsuits challenging our border restrictions. Perhaps if they spent as much time understanding the epidemiology as they do openly opposing every decision this government makes under CEMA, then their opinion on the matter might change.

I can only hope that one day logic and common sense will persevere within their party ranks, but until then, we make sure that we have them on record as to their opinion of what the emergency measures are.

I would like to also start — on a different vein — by thanking the members opposite for adjourning the 2020 Spring Sitting early, which provided us with the much-needed time to focus and strategically address the threats of the pandemic. As a result, no Yukoners have been lost. This is a really remarkable statistic and one that I think everybody and their sacrifices that they made — we can be proud of that.

We know that Yukon businesses are struggling as a result of the pandemic. At the same time, we are thankful for their efforts to try to keep going and to keep people healthy. Addressing the economic impact and downturn continues to be an important priority within this government, and I know that my colleagues on this side of the House have certainly been putting a lot of effort into that particular part of this.

No one's ability to respond to a pandemic has been easy. Our civil emergency legislation is outdated and needs to be improved. I am happy that this government has tabled a motion to establish an all-party committee to discuss and provide recommendations for how this legislation can be updated to provide future governments with the ability to address emergencies better.

The *Civil Emergency Measures Act* requires us to be in a state of emergency to respond to the pandemic quickly and effectively. While much of the world — Canada included — has done its part to flatten the curve and reduce the spread of the virus over the summer months, we are now unfortunately seeing a resurgence nationally. The potential impact of a second wave is a very real threat.

We don't know what we can expect moving from fall into our winter months, but we do know one thing: We want to be prepared to respond appropriately and quickly. Remaining in a state of emergency under our current legislation is required in order for us to proactively work toward the health and safety of Yukoners. It affords the government flexibility to bring in new orders and remain nimble in our response to the pandemic as it unfolds in real time.

The CEMA, the *Civil Emergency Measures Act*, has three main thrusts and focuses. It lets us deal with: isolation requirements to keep people healthy; border controls for who comes in, who goes out, and how we deal with getting through; and the third part of that is how we enforce those regulations. It is important that we recognize the necessity of these tools, and collectively we must work together to ensure that

accountability and transparency are held to the highest standard while we operate under this legislation.

In the event of community spread, the government requires the necessary tools to make decisions that help restrict and slow the spread of this deadly virus — in short, to protect the lives of all Yukoners. We also need to recognize that our more isolated communities are more vulnerable to pandemics and diseases. They are not equipped to necessarily handle a significant outbreak, and we want to take every precaution that we can to protect our communities.

Over the course of our spring and summer, this government issued several ministerial orders under the *Civil Emergency Measures Act*. The CEMA orders total 20 — six have been rescinded, and 14 are still in force. As these things either time out or are considered to not be relevant, they are removed. It's not like these are a temporary measure that becomes permanent.

These orders are intended for a multitude of different reasons. Some provide flexibility for the general public in conducting business — like the virtual commissioning, signing, and witnessing order, which enables the use of audiovisual communication technology where signing in presence is required by law.

Like other social assistance regulation overrides, this will ensure that individuals receiving Canada emergency response benefits are not negatively impacted on their eligible social assistance, nor will it impact the amount of assistance that they receive. Each of these orders issued today are important for Yukoners, with a focus on public safety and security — once again, the big three: isolation, border enforcement, and enforcement of all orders.

Support for the continued state of emergency in the Yukon is important to ensure that Yukoners have the support they need while we collectively navigate the uncertainties that lie ahead.

Mr. Speaker, some have chosen to challenge these orders as an infringement on the *Charter of Rights*. To them, I ask: Whose good are you really serving? This government — any government — the first priority should be the health and safety of all its people. I hope this House will join me in supporting this motion and that we, as members, recognize the importance and significance of it for Yukoners and our future.

**Mr. Cathers:** I'm pleased to rise to speak to this motion. I would just note that the Liberals — we have seen them paint this in black-and-white terms — either you agree there's an emergency, or you don't — and fail to recognize the fact that the details of the actions taken by government do have a profound effect on the lives of citizens. No matter what government's intentions are, government is not the sole repository of all knowledge within the territory, and in fact, it does not fully understand the impact on businesses, citizens, and others in the same way that those people do.

The remarks made by the Liberal backbencher who introduced this were very tone-deaf and arrogantly dismissive of Yukoners whose lives are affected by this and business owners who were so upset — not only with the rules that were imposed by government, but the lack of public process and

democratic oversight of those rules — that they chose to take the government to court.

Now, whether the court will agree with their application or whether other Yukoners agree with their application is a matter for the courts — and respectively, for Yukoners — to decide. It is not my intent here to argue the merits of their case or lack thereof other than agreeing with them on the fact that the lack of public process and democratic oversight is a problem. As the members will recall, it is not just us who have said this, not just citizens and businesses, but in fact those who have expressed concern with the approach taken by government include the retired Clerk of the Yukon Legislative Assembly, Dr. Floyd McCormick, who I know that I — along with others — enjoyed working with for many years. He has, in his current role as a private citizen, repeatedly expressed his views on the importance of democratic accountability, including earlier today when he noted — and I am going to quote from what he stated in the public domain on social media: “The Yukon government’s response to the pandemic may be completely justified. The Legislative Assembly now gets to debate the state of emergency declaration — 201 days after it was first made. The lack of scrutiny & accountability is a problem the govt need to address.” 201 days after the state of emergency was declared, and finally, this Liberal government has condescended to debate the matter in the Legislative Assembly.

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

### Point of order

**Hon. Mr. Streicker:** I am referencing now 19(i) — saying that we are condescending to this Legislature or to the Yukon — I find that this is not — well, it is insulting.

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

**Mr. Cathers:** I and other members of the Legislature find it insulting that the government has taken until now to bring this matter for debate in the Legislative Assembly and I don’t believe that there is a point of order. The Minister of Community Services just doesn’t like the valid criticism.

### Speaker’s ruling

**Speaker:** It sounds more like the nature of debate and criticism in the context of debate. I would also note that Standing Order 19(i) — what it says is that “A member shall be called to order by the Speaker if that member... (i) uses abusive or insulting language, including sexist or violent language, in a context likely to create disorder.”

Just to repeat again — the overarching job of the presiding officer — the Speaker or the Chair — is to ensure that there is orderly debate and that the temperature in the House hasn’t risen to a degree where debate is not orderly. This will occur typically in a bigger House, I suppose, when the actual volume or nature of the comments made and also the volume — people talking over each other means that the volume has risen to a level where there isn’t orderly debate.

In this instance, there was no particular issue. I had no sense that this House was drifting into a level of disorder that was somehow impeding debate. So, I would ask members to

note that, in that section, the modifier is “in a context likely to create disorder”. I would also note that the Member for Lake Laberge was criticizing the government proper. He wasn’t criticizing a member. I would agree in a general sense that members shouldn’t be personally insulting each other and that this should be avoided wherever possible.

There is no point of order. Member for Lake Laberge.

**Mr. Cathers:** Thank you, Mr. Speaker.

In resuming my remarks here, what I really want to note and emphasize is that, first of all, we do agree that a public health emergency requires a government response and that part of that government response does include public health orders and — to a limited extent — emergency orders under the *Civil Emergency Measures Act*, considering the structure of our legislation. However, the importance of legislative accountability and oversight is increased during a time of emergency such as this, not decreased. It should be noted as well that there is a difference between when a pandemic occurs — such as this one did — or another emergency occurs and there is a need for government to act quickly in a manner that eliminates the possibility of a reasonable public and democratic process in the lead-up to implementing orders in a time-sensitive emergency.

However, once that period of emergency has gone on for a protracted period of time, it is important that those measures be subject to a public process, including democratic debate and scrutiny.

The use of emergency powers for an extended period of time is fundamentally inconsistent with the principle of accountability that is vital to a functioning democracy and is also contrary to the nature of an emergency. So, the government has exercised this power since March 27 with an unprecedented lack of oversight, transparency, and accountability. While we would be critical of that fact, it does not mean that we are saying that no action was required. However, there are other ways that government could have approached this — including, as I have mentioned previously in this Assembly, that, even for ministerial orders that were put in place, government had the option — and has the option today — of referring those ministerial orders to a committee, such as the Standing Committee on Statutory Instruments, and providing the opportunity for public review — including simply giving people who are affected by it the opportunity to come forward by saying, “Is there something that you think we could be doing better, and how could we improve on it?”

We do not pretend that it is possible in a time such as this to make everyone happy with every decision, but that does not mean that government shouldn’t ask — because there is not the slightest doubt in my mind that, if government were to ask businesses and others who are affected by these orders for input on how they could be improved, there would be good suggestions that would come from the public as a result of that.

I also want to outline the fact that these ministerial orders are having a tremendous impact on the lives of Yukoners. It is fair to say, I think, that almost every person in the Yukon has seen some effect from the ministerial orders and restrictions,

but the effect is not the same on every person. Some people are finding it to be a minor inconvenience, and some quite literally are seeing a situation where, before the pandemic hit, their personal future and financial future were looking good and now they have seen a major hit to them.

What I want to outline, which I think has been missed by our Liberal colleague across the way, is that the details of the ministerial orders matter a lot. The details of a ministerial order might literally mean the difference between a business surviving or failing.

Not disputing the fact that the government's overall intent is to manage the public health emergency in an effective manner — but government doesn't have all the answers. If government is not effectively working with the people and listening to the people who are affected by this, there is the very real possibility — in fact, I would say likelihood — that government may irreparably harm a Yukon business owner's future, without actually needing to, for a public health reason — that there may have been a way to do it differently and still achieve the public health goals.

I just want to quote one of the comments that I've heard from Yukon business owners who have been affected by the ministerial orders. It's a very short message that I received, but to quote: "My biggest issue is no consultation. They made up guidelines for industries that they know nothing about. If they were that worried about safety, they would have worked with businesses. We could have done that safely and faster than having a handful of people writing all of them."

So, again, from that business owner — one of the many who I have heard from — there is no disagreement that a public health response was necessary. In fact, that person — like many other business owners I've heard from — would have been more than happy to contribute to helping government take the steps to get it right. But unfortunately, the approach that has been taken by government — and continues to be taken — is that we're here, 201 days after the state of emergency began, and we're only finally here debating it in the Legislative Assembly.

We have, as the Yukon Party Official Opposition, repeatedly called throughout the spring and summer for the Legislative Assembly to resume sitting and have the opportunity to debate matters, including the civil emergency and the details of what was occurring. But repeatedly, we've heard the Premier very defensively dismiss the concept and make statements including saying that they haven't done anything that legislative scrutiny was required for. But it's just showing how out of touch this Liberal government is with Yukoners and the effects that Yukoners are experiencing.

I want to drive home the point that the details of this matter — the details of a ministerial order gotten right or wrong on something that might seem like a relatively small matter to the minister responsible and his colleagues could be the difference between a Yukon business owner being able to pull through this and have their business survive and failing — again, in a situation where there would have been a way to do it in a responsible manner that respected the public health emergency that we're in, but also allowed that business to operate.

As I noted before, almost everyone has adjusted their life, to some degree, during the pandemic and because of its restrictions. For some, it has meant a loss of income and the possible loss of a future they had planned. For some business owners who approached the 2020 season with optimism — some of those business owners are now facing an uncertain future, and some don't know whether or not their businesses will actually be able to survive the pandemic.

This includes some who have tried to react to the situation — such as a constituent of mine who, hearing government indicate that they were short of hand sanitizer, reprofiled their tourism business to produce it and then found that government didn't follow through on actually buying local. That's just one of many examples of where businesses are being impacted by government's response — both the details of the ministerial orders and whether government is following through with the commitments that it makes to Yukon citizens and Yukon business owners.

It's fair to say — as a general adage and as a fair conclusion regarding how this Liberal government has handled the pandemic — that top-down decision-making doesn't lead to better decisions. There is a reason why we have public processes — typically with regard to legislation and regulations — that allow for people, businesses, and other stakeholders who are affected by something to contribute their views before government makes a decision. It's not just an exercise in public affairs; it's actually a step that is important — a critical step in making good decisions as government.

It is important as well to note that, with these decisions, we've seen that the Liberal government has tried to characterize the response to the pandemic in a way that suggests that they're simply taking direction from public health officials — that it is very black and white and there is no question what they need to do — they are just following that advice. We do not dispute the importance of the advice from public health officials, but it is notable across Canada that several other premiers have taken a very different approach and have been very clear that, while they are seeking and listening to advice from public health officials, they are also acknowledging and respecting the fact that they, as the elected representatives and as the head of the elected government, remain responsible for the decisions that government makes in enacting those public health recommendations received from officials or in differing from them based on other considerations. That is the approach that, fundamentally, I would argue that this government should be recognizing — that they are responsible for those decisions. They don't get a "get out of jail free" card on this one to skip over public consultations on important matters just because they have declared a state of emergency. It does not lead to better decision-making.

I want to emphasize that, in saying that, for all the government employees and employees of the Yukon Hospital Corporation and other agencies who have been involved in responding — and indeed with employees of businesses such as grocery stores and retailers who have been an important part of responsibly managing the pandemic — to all those people and those whom I haven't mentioned who have been part of the



Yukon responding safely to COVID-19 — we appreciate their efforts. We want to make sure — particularly in the case of government staff — that they are very clear about the fact that, when we criticize the decisions made by the elected government, we are not criticizing the actions of officials who are carrying out the direction that they have been given. They are simply doing their jobs and we appreciate that many of them are working hard and doing their level best to ensure that, collectively, the Yukon responds in the best possible way to this public health emergency.

Mr. Speaker, I'm going to touch on a number of issues related to what has occurred. I will give another example. I again received feedback from a Yukon business owner expressing concern about the government's response, which includes that the way the sick leave structure has been set up only allows them to apply once, and if you are not out of work for 10 days, then it isn't a very flexible system. That is again another concern.

I want to point out that the concerns that I have heard from businesses and citizens differ. We have heard people who feel that government has been too open with restrictions and some who feel that they have been too restrictive. What is common is that everyone agrees that there should have been more of a public process, including democratic oversight and debate, and that it is not too late for the government to see the light, change its ways, and start providing people with the opportunity to have input on how to improve the response to the pandemic.

I would remind the government that, at the outset of this when the pandemic began, we saw the Liberal government being very slow to respond — during the early part of March when we were bringing forward concerns about the pandemic, including the government tabling a budget that predicted rosy times for 2020 when we were seeing the global health crisis emerging — just days short of being declared a pandemic by the World Health Organization. The government initially responded by claiming that it was "...business as usual" and dismissing questions from opposition members claiming that we were paranoid. Then we saw them lurch rapidly in the other direction and move toward wanting to not only shut the Legislative Assembly down but see the budget passed and give them the ability to focus on the public health crisis, which had blindsided them.

Returning to my point about citizens and businesses with concerns about the lack of public process and input on the rules — we have seen dozens of ministerial orders issued under the *Civil Emergency Measures Act*. We have heard the minister responsible — as well as some of his colleagues — acknowledging that the *Civil Emergency Measures Act* wasn't really intended to deal with a crisis of this type, because it gives brief mention — as members will be aware — to — I believe that "epidemic" is the word that is mentioned — but it really is not a piece of legislation that was primarily designed to deal with a public health emergency.

There are powers under the *Public Health Act* for the chief medical officer of health, as members know. Of course, the chief medical officer of health did make a declaration of a public health emergency first — but I would draw members'

attention to the fact that, even in that legislation, there is provision for democratic oversight and specific reference to the minister in that area. It was clearly the intention of the drafters of both pieces of legislation that democratic oversight would not simply go away during an emergency.

In talking about the fact that this is not a black-and-white situation — there are grey areas where the rules should be written a certain way or not under this declaration of emergency. It is oversimplifying it. In fact, the Liberal government has consistently oversimplified it and is again today by trying to paint it as a situation where one must, in their view, either support the declaration of emergency or not. The details of how that declaration is implemented matter tremendously to the lives of Yukoners who are being affected by it.

Among examples, I would note — as the minister and his colleagues know, some citizens and businesses were so angry about the government's decision and the lack of public process and democratic oversight that they're actually challenging government right now in court over the constitutionality of the decision-making process and the decisions. Beyond those citizens, there are many other people who have concerns and suggestions regarding the pandemic response.

Some of the concerns that I've heard from people — and I've heard from many people since the start of the pandemic with questions, suggestions, and concerns — among those concerns — some people are concerned about the way in which people who are travelling through, how that is managed, and concerned that there may be unnecessary risks associated with the manner in which they're travelling through. There were also businesses that were concerned and profoundly upset with the fact that government issued a list of businesses where travellers could stop and cherry-picked which businesses were on the list while ignoring others that could have provided the same services to people travelling through.

Another example includes the fact that the border has now been open to British Columbia for quite a while, allowing travel through there, but it's not open to Alberta. We have heard from people who don't think it should be open to BC in the manner in which it is now and people who feel that it should be open to both BC and Alberta, for reasons including the fact that those two provinces are open to each other.

Recognizing that the line has to be drawn somewhere does not change the fact that public input on the impact of these measures has value and could have led the government to making better decisions.

For example — as the Minister of Community Services and some of his colleagues will know very well — when the border was not open to British Columbia, this was having an impact on Yukon companies that were doing work in northern BC. It is probably fair to say that the government was not aware of and had not anticipated that when they imposed those orders. In fact, from what I understand from business owners affected by that, that includes situations where they had the ability to have staff going directly to a site where they were working and come back to the Yukon, without ever leaving a site in northern BC. For a while, they had no ability to do so.

So, we need to fundamentally — the fundamental flaw with the Liberal government's approach to this is the top-down "father knows best" attitude. It's not recognizing the fact that Yukoners who are affected by this are not just people who are going to be upset no matter what you do. Some of the people who are upset with the restrictions are upset for very clear and specific reasons. There may be ways of addressing their concerns. In some cases, there are ways of addressing their concerns without putting at risk the overall goals and objectives of the public health measures. But if government isn't willing to hear from people and it isn't willing to listen and if it is set on handling things in the way they have to date, we're going to continue to see unnecessary impacts on the lives of Yukoners because of that lack of public and democratic process.

We have three times proposed all-party committees to deal with various aspects of the pandemic response, and every time, the Liberal government has shot down that proposal. They seem to be seeing this in terms of not wanting to share power and not recognizing the fact that our proposal in this was intended to allow members of all parties to work together on behalf of Yukoners in coming up with solutions to better handle various aspects of the pandemic response.

Again, recognizing the fact that, no matter how good anyone's intentions are, no minister or no single official — no person in the entire territory — knows everything about everyone else's lives and everyone else's businesses. By listening to people we can learn where government can do better in managing the pandemic, but unfortunately, there has been a lack of willingness to do this from this government, including the fact that, now, finally — in what is little better than window dressing and what seems to be about having an interesting objective — according to the lead speaker for the Liberal caucus — it didn't seem that them bringing forward this motion was really about that democratic oversight they should have sought earlier on — recognizing that it's now 201 days since they declared the state of emergency. It didn't seem that they were recognizing the value of democratic debate but simply trying to create a polarized situation where you either agree with government about a civil emergency or you don't. It must be black and white, in their minds.

But outside their minds in the real world, the details matter. The dismissive comments made by one Liberal member toward business owners who have seen their lives affected significantly and who are upset about the lack of public process are really very unfortunate and, I would say, both out of touch and arrogant in their nature.

Among those affected by the ministerial orders include, first and foremost, individual people. They include businesses, they include non-governmental organizations, they include schools, churches, sports, sporting events, community events, families, and many other organizations and interactions that I haven't listed there. It has affected people's lives.

Fundamentally, another point that the government seems to be missing is that, if people don't believe a law is reasonable or fair, including during an emergency, they are far less likely to follow it than if they believe that they have had the

opportunity for input, it's a reasonable balance, and that government has taken actions that were necessary.

If people feel that they provided perspectives on a proposed legislation or regulation and that, even if government didn't do everything they were asking for, they were listened to respectfully, their views were considered, and that they understand why government didn't do what they were hoping that government would do, they are far more likely to respect and heed those rules than if government is simply relying on enforcement personnel to catch them if they don't follow the rules.

It is not possible for any government in Canada to successfully enforce its way through this public health emergency. The single most important step to minimizing the spread of COVID-19 and minimizing its negative impacts on people is for people themselves to take the actions that are necessary to reduce the spread and to protect others, but if people don't believe the rules are fair or they don't believe the rules are reasonable, they are far less likely to follow them. If government has simply handed down the rules from on high and never provided the opportunity for people to be heard, those people are far less likely to listen when they are in their own homes, when they are in their workplaces, and when they are out in the community.

One of the comparisons that I want to make in talking about the ministerial orders that have flowed from the government's declaration of a civil emergency that we are discussing here today is the impact on workplaces. These measures — although very different in the details by which they came about — are effectively working in the same manner that occupational health and safety regulations work in a workplace.

In normal times, the details of proposed occupational health and safety regulations can take years of discussion and debate before they are put into effect. There is typically an extensive process to get the input of stakeholders — including businesses and employees — in developing those occupational health and safety regulations and determining their application.

In normal times, the details of occupational health and safety regulations are sometimes inconvenient or expensive for business owners, but rarely is it a situation where the details of those occupational health and safety regulations are likely to equal the difference between survival of the business and failure of the business.

In contrast, these ministerial orders which are setting out workplace rules may equate to the difference between a business managing to survive the pandemic and recover from it or that Yukoners seeing their business and any dreams that they had associated with it fail — and, of course, for many — especially if they are heavily invested in it with their personal finances — which many Yukon business owners are — it may create a challenge for that person and their entire family in building for the future for their children and in that person being able to retire. Many business owners I know have focused their lives on — or a portion of their lives — on building up a business and they have really — in some cases — put everything into the business, and their retirement plan is that someday they will be able to sell the business. But for business

owners such as that, if their business folds and doesn't survive, many of them do not have retirement savings — or at least not substantial retirement savings — to fall back on.

So this is a very serious issue for these people. Again, what I want to highlight is the fundamental point that it is far too simplistic to treat this debate as “you either agree with this civil emergency or you don't” and to characterize it as a situation where, if you don't agree with the civil emergency, you don't care about public health, and if you do agree with it, you must agree with all of the orders which have been issued. Well, in fact, we agree that some measures were necessary, but we profoundly disagree with a process by which we had to wait until 201 days into a declaration of emergency before the government saw fit to bring in that declaration for debate here on the floor of the Legislative Assembly. There was absolutely no reason why we couldn't have been debating this in April, May, June, July, August, or September instead of waiting until mid-October.

Now, among the concerns that I have heard from people is that there are Yukoners who are at work who — at least at times during the pandemic — have felt unsafe. There are other people I have heard from who are at home — who want to be at the office but are at home because of the implementation of this civil emergency and the way it has been done.

It seems to me, unfortunately, that the Liberal government seems to have decided that they can't make everyone happy, so they are not really going to try when it comes to discussing the details of the ministerial orders.

I do recognize that government has rolled out some assistance packages — although in some cases, as they know, they have taken federal money and actually imposed their own set of rules on it, which works well for some businesses and doesn't for others. That brings us to another issue of the government's response to COVID-19, which is that, at the outset, a number of events such as the Arctic Winter Games were being cancelled and restrictions were being imposed — I heard concerns from Yukoners who were upset about the fact that they felt that the government's assistance programs were working very well for some businesses and excluding others that were also deeply affected by it. They felt that it seemed to be related to who had the ear of the Liberal government and who did not. That type of unfairness — regardless of the intention behind it, this is the type of frustration from Yukoners that we have been hearing throughout the year. Again, that doesn't detract from the fact that some actions were necessary — but the details really matter.

I want to just give, as an example for people who have not been following the issuance of the emergency orders in the same way that I have — I have read through them all. Most people probably have not. Most people probably have read the ones that directly affect their lives. I am just going to outline some of them just by titles at this point so that people can understand the areas that have been addressed through orders from on high — again, lacking a proper process.

Under the *Civil Emergency Measures Act* — and for anyone interested, you can find more information on the government website, which includes the ministerial orders that

have been issued — the state of emergency was declared on March 27. Other orders issued under it include: the Civil Emergency Measures Leases, Approvals and Regulatory Timelines (COVID-19) Order; Emergency Measures Limitations and Legislated Time Periods (COVID-19) Order; the Civil Emergency Measures Medical Practitioners Provisional Licensing (COVID-19) Order; the Civil Emergency Measures Enforcement (COVID-19) Order; and — actually, I should have read in some of the numbers of those orders, which I will do at this point. That was Ministerial Order 2020/30 and it replaced Ministerial Order 2020/13.

Next on the list are: Civil Emergency Measures School Council Elections (COVID-19) Order, Ministerial Order 2020/31; followed by the Civil Emergency Measures Pharmacists Authorization (COVID-19) Order, Ministerial Order 2020/32; Civil Emergency Measures Social Assistance Regulation Override (COVID-19) Order, Ministerial Order 2020/33 — and we're only to mid-May by this point. Then there are: Civil Emergency Measures Residential Landlord and Tenant (COVID-19) Order 2020/38; and Civil Emergency Measures Amendment of Liquor Licences (COVID-19) Order 2020/40. There was also the repeal of a previous Civil Emergency Measures Border Control Measures (COVID-19) Order.

On this list that I'm reading, there are some that obviously have been removed because some are no longer in force, but we've seen dozens of ministerial orders after ministerial orders being issued and affecting the lives of Yukoners without consultation.

Again, moving on, we see: *Civil Emergency Measures Act* Ministerial Directives for Exemption to Self-Isolation Requirements, Ministerial Order 2020/01; the *Civil Emergency Measures Act* Civil Emergency Measures Health Protection (COVID-19) Order 2020/50 repealing Ministerial Order 2020/46 and replacing it; *Civil Emergency Measures Act* Civil Emergency Measures Education Measures (COVID-19) Order, Ministerial Order 2020/54, replacing the previous Ministerial Order 2020/15. We have the *Civil Emergency Measures Act* Ministerial Order 2020/16 being repealed — by 2020/57 — and the list continues to climb.

So those are just a few of the orders. I haven't even gone through the list that I have in front of me in full. I just want to provide an example for context of the long list of orders comprising many pages that are affecting directly the lives of thousands of Yukoners on a daily basis, without those citizens and businesses having the opportunity for input into them.

I want to just go back briefly to earlier in the year. At the outset of this, as members will recall, the Yukon Party proposed an all-party committee to deal with the response to the pandemic. Government shot that down in March. We tried again in May, and I'll just quote from a *Whitehorse Star* article from May 5:

“Yukon Party proposes special committee, return of legislature

“The Yukon Party is suggesting that the three party leaders meet to negotiate terms for the creation of a special select committee to consider any matter related to the government's

management of the COVID-19 crisis and to report their considerations publicly to Yukoners.”

As members know, the government shot that down, but the simple question is: Why? What was the problem with the proposal that all three parties work together to consider matters related to the COVID-19 crisis and report publicly to Yukoners?

I recognize that the Minister of Community Services has been very busy this year dealing with ministerial orders and signing them. I'm not taking away from the fact that there have been people working hard, including some ministers, related to the government's response on this, but there has been a fundamental gap of proper public process and the repeated refusal of the Liberal government to provide an opportunity for all three parties to work together and to jointly work on behalf of Yukoners in helping to improve the response to the COVID-19 crisis.

This is, as ministers have acknowledged, an unprecedented situation in our lifetimes, but the reflexive response from the government seems to have been to use it as an excuse to make decisions in isolation rather than using the opportunity to work together. It has really been unfortunate. Briefly quoting that *Whitehorse Star* article from May 5: “The Yukon Party is suggesting that the three party leaders meet to negotiate terms for the creation of a special select committee to consider any matter related to the government's management of the COVID-19 crisis and to report their considerations publicly to Yukoners.

“In March, the Liberals used their majority in the legislature to defeat the Yukon Party's proposal to create such a committee.

“Now, the official Opposition is proposing that efforts be undertaken to facilitate the safe return of the legislature this month.

“The goal is to allow for greater scrutiny by MLAs over the government's decisions and spending.”

This is due in part to the fact — again, quoting from the article — that: “‘Over the course of the last month and a half, the Liberal government has brought in unprecedented powers and orders affecting daily life...’

“‘While some of these orders may be justified from a public health perspective, their passage was done without any democratic scrutiny or consultations with opposition parties, and not all are public health-related...’

“‘The Liberals have taken to using the extraordinary emergency public health powers they've given themselves to make changes in areas traditionally considered outside the scope of public health, such as taxes, suspension of regulatory timelines, and broad abilities to amend contracts.’

“These actions, the Yukon Party said, ‘represent an overreach on the part of the Liberals, and making these types of decisions without legislative scrutiny undermines our democratic institutions.’

“Additionally, the Liberals have announced millions of dollars in new spending that has not been reviewed or even considered by the legislative assembly,’ the Yukon Party added.

“Overall... the government has been ‘an outlier in Canada’ when it comes to accountability to the public.”

Again, what I want to point to is the fact, as I have mentioned before during debate of the government's proposal regarding the creation of an all-party committee dealing with the *Civil Emergency Measures Act*, which is still partway through debate — which, bizarrely, the government proposes that the committee would not report until August of next year, which may be after the next territorial election, and if it isn't after it, it will be right on the verge of it.

In addition to the issues of inherent conflict of having the minister on the committee effectively continuing to manage the government's response while being asked to dispassionately assess how well he is doing and effectively give himself a report card — it is just another example of where the Liberal government occasionally claims that they want to work collaboratively with all parties, but it is evident that their idea of working together is that they dictate the terms, they are not willing to discuss them, and the Official Opposition and the Third Party are supposed to simply accept it and go along for the ride with whatever the government has decided they are already doing anyway.

Now, Mr. Speaker, this was followed by the next proposal that we made in terms of an all-party committee. It was proposing an all-party committee to examine the education reopening plan. In July, the Yukon Party sent a letter to the Education minister calling on the government to recall the Legislature by August 6 to allow for the creation of an all-party select committee to examine the Liberal government's education reopening plan. We issued a press release on July 30, 2020 — and just for the reference of Hansard, if they haven't already received a copy of that press release, I will ask our staff to just share that with them for the ease of catching the quotes that I am using.

The all-party committee to examine the education reopening plan, as noted in our press release — “The committee could hear input from parents, teachers, and First Nation partners, as well as education and health experts to examine options for the upcoming school year and provide the government with recommendations.

“‘Over the course of the last several weeks, we have seen many indicators that the Liberal government missed more than a few steps in consulting, communicating, and implementing its education reopening plan,’ said...” — and it includes the name of my colleague, the Official Opposition Education critic and Member for Copperbelt South. Returning to the quote: “‘This has created stress and confusion among parents and staff, and has led to ongoing protests as well as other forms of public opposition.’

“These events have unfolded at a time while the government has been operating without democratic scrutiny, as the Liberals refuse to bring back the Legislature.

“‘The future education of our children is so important and if we get this wrong, it could have negative repercussions on students for years to come,’ added...” — again, the name of my colleague. “‘By bringing all parties together in a Select Committee to hear from parents and educators about what

works and doesn't work about the Liberals' current plan, the hope is that the government could improve the plan going forward.'

"In order to create the All-Party Select Committee, the Legislature would have to be reconvened. The Yukon Party previously proposed an All-Party committee to examine and provide recommendations on the government's response to the pandemic, but the Liberals used their majority to shut that down."

That was attempt number 3 in terms of proposing an all-party committee to deal with the response. Then we tried again last week for the fourth time.

Again, we know the government's response to that — the day before claiming that they wanted to work together, they were quick to shut down the very idea of working together on yet another aspect of the pandemic response.

I just want to talk about some of the events that have been cancelled and which have had an impact on people. We have seen the Arctic Winter Games cancelled, of course. We have seen the Yukon Arctic Ultra cancelled for 2021, with the organizer considering alternative races. We have seen the Yukon Quest sled dog race cancelled for this winter because of travel restrictions, sponsorship concerns, and the risk of COVID-19. Those are just a few of the events. We have seen cultural events cancelled this summer or moved to a virtual and online form. Again, it's not as simplistic as the Liberals try to make it. This is not a question of black or white in terms of what the pandemic response is. The details really matter because they are affecting the lives of Yukoners.

Mr. Speaker, it is hard for some people. I have heard from people who are being affected by this who get very fired up and extremely upset in a conversation about what is happening or what is not happening. Fundamentally, this is because we have seen more sweeping restrictions imposed on the lives of Yukoners than any of us have seen in our lifetime. It is something that, for many people who were probably not really aware in detail of what has happened in the past around pandemics such as the 1918 flu pandemic — for a lot of people, it came as a real shock. They were not expecting it. They weren't familiar with what government would likely do in response to a pandemic. The lack of consultation has been very upsetting to a lot of people on both sides of this, noting that I have heard from people passionately arguing that the Yukon shouldn't have the border open to British Columbia, and I've heard people passionately arguing that it should be open to Alberta or open to the entire country.

We recognize in this that public health decisions do need to be taken in the context of looking at the best available public health advice, but what this Liberal government has ignored and brushed aside is something that a lot of other governments in the country have been listening to, which is that fact that they do need to consider input from other people who are affected by the restrictions.

I want to emphasize that my fundamental point in talking about this civil emergency declaration is that the details of how it's executed are just as important as the declaration itself and that — as I have stated, but it is important to emphasize — the

details of a ministerial order gotten wrong could literally mean the difference between a Yukon business surviving and failing. I do not wish to see steps taken that are not consistent with the best available public health evidence, but I also don't want to see a situation — like the one I described in the message that I had received from a Yukon business owner — where a Yukon business owner is experiencing a situation where government, without really understanding what they do with their business in normal times, is imposing rules that don't really work for them and having a situation that is entirely unnecessary but is causing them hardship. Let me clarify that sentence — it is entirely unnecessarily causing them some hardships that could have been avoided if government were providing the opportunity to have input on exactly how they implemented safety requirements at their business.

I have also heard from other business owners who have been in the situation where, after being closed during the pandemic, they were in communication with government, they made investments to allow them to reopen only to find out that the interpretation of the rules was being changed, and they found that they had lost costs that they had made to attempt to reopen, based on the advice of government, and then found themselves simply being out-of-pocket at a time when they were already facing an economic impact.

If government had not waited 201 days to bring this matter to the Legislative Assembly, if they were willing to work with all members in one of the several all-party committees that we have proposed, and if they were more willing to work with Yukoners and consult them on ministerial orders either before or after they were issued, there is no doubt in my mind that improvements to the response would result from that. Other people who are being affected by it — other businesses — include many in the tourism sector, outfitters, aviation, retail, and the list goes on.

In terms of public process and consultation, there are times when governments throughout the years have done public consultation on proposed legislation and received very little feedback. Sometimes there may be issues with people not being aware of it or being busy with other things. In contrast, the emergency orders issued related to the pandemic are affecting the lives of almost everyone in the Yukon. Public interest in the pandemic and the rules associated with it is very high. There should be the opportunity for the public and stakeholders to provide their input, to bring forward their concerns, and to see a robust public process related to ministerial orders that are in place and others that are complemented with a goal of balancing the necessary public health and safety measures with economic needs, freedom, et cetera and coming up with ways not simply to prioritize one of those over the others but to find a way in each specific situation to make it work practically and make it work better.

In unprecedented times, we recognize that there is a need for government action, including public health restrictions and increased spending. It is also a time that, along with unprecedented spending and unprecedented restrictions, there should come increased public input and public consultation and increased democratic oversight and debate. With

unprecedented spending should come increased public consultation, democratic oversight, debate, and accountability, not less. With unprecedented restrictions on peoples' lives should come increased public consultation, democratic oversight, debate, and accountability, not less. When business owners are seeing their businesses, their income, and their futures hit hard by the impacts of the pandemic and are questioning the very future of their businesses and are concerned about the impacts on their families, there should be increased public consultation, democratic oversight, debate, and accountability, not less. When parents worry that the changes to the education system related to the pandemic may cause serious harm to the education of their children and are worried about their kids and their futures, there should come increased public consultation, democratic oversight, debate, and accountability, not less.

When substance abuse issues are growing and more people are experiencing negative impacts to their mental health related to the pandemic, there should be increased public consultation, democratic oversight, debate, and accountability, not less.

Another matter I want to touch on is, in terms of accountability — a matter that perhaps the Minister of Community Services, when he rises to speak, will address — that I asked, during budget debate, a question very directly related to the civil emergency measures, and I didn't receive a response from the Minister of Health and Social Services — or I guess I should say I received a response, but the response had nothing to do with the question I asked.

I asked about what the process has been for the development of the orders under the *Public Health and Safety Act* and the *Civil Emergency Measures Act* — what the involvement is of the Department of Health and Social Services, the chief medical officer of health, Community Services, as well as not only other departments but other government agencies such as the hospital, which are potentially directly affected by this — and if the minister would like to clarify that when he rises, that would be helpful.

There are also others that it's important to recognize, on the health side — there are businesses that can play a role in government's response. That includes pharmacies. We were pleased to note, in September — as outlined in a *Yukon News* story that I'm going to briefly reference here from September 26: "YG and pharmacies preparing for flu vaccine distribution".

"The Yukon government is preparing for flu season and encouraging people to get their flu shots this year to avoid extra stress on the healthcare system during a pandemic.

"If we're lucky, Canada will experience what Australia and other southern hemisphere countries faced: a very low influenza season. But we don't know that this will be the case in North America," said Chief Medical Officer of Health Dr. Brendan Hanley during a Sept. 23 COVID-19 update."

Then it went on to describe the flu clinics that would be centralized at the Yukon Convention Centre and the hours of operation being six days a week initially, with extended hours from 9:00 a.m. to 7:00 p.m. and drop-in shots being available. It also talked about the role of the pharmacists — that for the

first time, they would be able to administer flu shots at pharmacies this year. "Regulations were changed in 2019 to allow vaccines to be administered to people aged six and up in pharmacies but didn't come into effect until after the 2019-2020 flu season ended."

Again, that is positive. We have heard about other situations where other business owners who wanted to assist with the pandemic response — whether it was by providing equipment — the possibility of manufacturing equipment that could be useful to the government — or providing hand sanitizer, based on government's indication that they were having trouble getting it in the territory — and also related to the supply of medical oxygen. The government's record has been a bit spotty in some cases when working with Yukon businesses — in fact, in some cases, businesses were not hearing back from government, despite the fact that they actually were in a position to help with the response. But government has continued to often act in a top-down manner, and ministers have not listened to some of that feedback from Yukoners and taken the opportunity to work with them and to direct officials to work with them in a way that allows them to contribute to a better response here in the territory.

Another issue that I want to just briefly touch on — as I noted at the start, the Liberals' lead speaker's introductory remarks were quite dismissive of Yukoners who have such strong concerns with the government's response that they are taking them to court. They actually seem to be trying to paint those business owners as somehow being self-centred or selfish in bringing forward their concerns in that manner, and that is something that is really unfortunate. It is not only tone-deaf to what Yukoners are facing, but it seems to be ignorant to what is going on in the Northwest Territories and what the government there said about border measures that were similar to ones in the Yukon. If I can just find that document here in my notes, I will just briefly quote from that. I have found it.

When we see a Liberal backbencher — on behalf of the government, no doubt — issue their prepared statement dismissing the concerns of Yukon business owners, casting them in a very negative light for the fact that they have the audacity to sue government for what they believe is a breach of their Charter rights, yet we see in the Northwest Territories the Premier issuing a statement clarifying public health restrictions on travel within the NWT regarding their previous border measures that were very similar to the Yukon's — I want to emphasize that my point in reading this statement is not to even say exactly what the Yukon's outcome should be as it pertains to the border, but simply to note that valid concerns about the legality of those measures and the constitutionality of them have been not only raised in the Northwest Territories but agreed with by the Premier. It does mean, in my view, that Yukoners should raise a similar concern in question and raise a valid question that should be treated with due consideration.

So, the media statement issued by Caroline Cochrane, Premier of the Northwest Territories, the Minister of Health and Social Services — I'll just read from it briefly. For the reference of Hansard, it's from the Government of the Northwest Territories, June 10, 2020, entitled "Media Statement:

Statement Clarifying Public Health Restrictions on Travel Within the NWT". "Caroline Cochrane, Premier of the Northwest Territories, Diane Thom, Minister of Health and Social Services, and Dr. Kami Kandola, Chief Public Health Officer issued the following joint statement today to clarify the existing Public Health Order — COVID-19 Travel Restrictions and Self-Isolation Protocol:

"Travel restrictions are a legitimate and necessary measure implemented by the Chief Public Health Officer (CPHO) to help slow the spread of COVID-19 and mitigate its impact on Northwest Territories (NWT) residents, communities and the health care system.

"While the CPHO does not have the authority to prohibit Canadians from entering the NWT, she does have the authority to restrict travel within our borders.

"Under the current orders, and in an effort to ensure the orders are adhered to, all travelers entering the NWT are greeted at a checkpoint by a Border Officer.

"The Border Officer will collect their information, and if they do not meet an identified exemption, the Border Officer will inform them of the NWT's public health travel restrictions — including the requirement for anyone entering to self-isolate for 14 days.

"Travellers have the opportunity to voluntarily turn around. If they choose not to, they are informed that they must seek an exceptional circumstances exemption, and immediately self-isolate if they wish to proceed further in the NWT.

"This is a shift in how the order was being implemented through May 29, and reflects an effort to more closely align implementation of the order with the mobility provisions of the Canadian Charter of Rights and Freedoms.

"Prior to May 29, border officials asked people to turn around and return to their destination if they did not fit an existing exemption in order to meet our objectives.

"The process outlined above is an interim measure and the CPHO and her team are working diligently on amendments to the travel restriction and self-isolation order to more transparently protect mobility rights under the Charter."

"In an interview with CBC Television on Monday, June 8, Premier Cochrane was asked if tourism 'was off the table' for the NWT. The Premier answered that tourism was on the table, so long as people self-isolated for 14 days, which is consistent with how CPHO orders are currently being implemented.

"While the GNWT approach to tourism during the pandemic is still developing, the NWT is expecting to establish a travel bubble with Nunavut as part of its new travel orders and will be encouraging tourism by residents of both territories.

"The Premiers comments were made in the context of the current understanding of Charter limitations on the CPHO's powers and the intention to promote tourism among and NWT amendment Nunavut residents.

"While it will respect the right of any Canadian resident to enter the territory, the GNWT will still be enforcing the CPHO's legitimate orders to restrict travel within the territory, including restrictions on leisure travel within the territory, to ensure that the health of all NWT residents and communities is protected.

"As stated in the House yesterday, new travel orders are expected to be implemented with Phase 2 of the Emerging Wisely Plan and when details of those orders are finalized, they will be thoroughly explained to NWT residents and the media." That is the end of the quote from the statement from the NWT government.

Again, I want to emphasize the fact that the point of my referencing that is not to argue for or against border restrictions or to even specifically conclude whether the Yukon's border restrictions are constitutionally valid or not or an infringement of the Charter. That will, of course, will be a matter for the courts to rule on since the minister and his colleagues are currently being sued by a group of unhappy Yukoners on that basis.

My point is simply to outline the fact that, when the Premier of the NWT issues a statement like that, the people who have questioned the constitutionality of the Yukon's border restrictions should not be dismissed, have their concerns made light of, or be cast in the negative light that the Liberal government appears to be trying to cast them in. They have a right to their day in court and undoubtedly will have that matter heard in due course by Yukon judges.

What I want to emphasize as well is that this was an avoidable problem. Had the Yukon Liberal government taken an approach that provided for public consultation and democratic input, they wouldn't be getting sued right now. Instead, they chose not to bring even the debate of a civil emergency to the Legislative Assembly until 201 days after they made it.

Now, we have been clear about steps that we would take to improve this if we are elected to government next time, including improvements that we would make to ensure that, in future, a declaration of emergency can't just be extended by Cabinet; it would actually have to be debated in the Legislative Assembly.

I want to as well note the fact that democracy works only on the condition that laws passed by government are subject to constant oversight and scrutiny by the Legislature, the judiciary, the media, and the public. So, the lack of public process is how the government got itself into a situation that they are being sued and — rather than dismissing that case or trying to debate it at large extent on the floor of the Assembly, as appeared to be the intent of the Liberal backbencher who raised it — government should be recognizing that, although government does have the obligation to combat the threat posed by COVID-19, this does not give them carte blanche to do as they please without any justification, consultation, or oversight. There is an importance of seeing that the invocation of emergency powers by a government is not used as a matter of convenience rather than one of necessity.

In a time of true emergency and time sensitivity, we recognize, absolutely, that the government needs to act quickly — including at the outset of this pandemic, but the longer it goes on, the weaker the excuses become for not having a robust public process and proper democratic oversight and debate not just of the civil emergency, which we are finally debating in a formal motion today — 201 days after it started — but the

details of those matters, in my view, are better dealt with by a committee of the Legislative Assembly than by the Assembly itself.

But as long as government remains unwilling to actually meaningfully work with other parties and insists on their casually autocratic “father knows best” approach, we are going to continue to see Yukoners upset by the provisions of these orders. Even if they don’t take the government to court over it, there are a lot more people out there who are upset about the impacts on their lives, especially the impacts that they believe are not necessary nor justified.

I also want to make mention of the fact that, as I touched on earlier, among the critics of the government’s approach to this is the former Clerk of the Legislative Assembly, Dr. Floyd McCormick, in his current capacity as a private citizen but still with the expertise that he has, based on years of serving as Clerk of the Assembly and, prior to that time, as Deputy Clerk. I do appreciate his input. I also want to be clear that, for the sake of accuracy and in reflecting his viewpoints on it, he has acknowledged that the proposed creation of a committee dealing with civil emergency legislation was valuable. He has also noted, in his own words, that the Yukon government’s response to the pandemic may be completely justified. The Legislative Assembly now gets to debate the state of emergency declaration 201 days after it was first made. The lack of scrutiny and accountability is a problem the government needs to address.

What I want to note is that the criticisms about process, in this case, are not just about the specific details of the outcome, but as I noted earlier, the details of the ministerial orders would have been different had there been the proper public process, and it’s not too late for government to change their ways and do better.

Just briefly recapping a few of Dr. Floyd McCormick’s other comments regarding this matter — I would note that, as he indicated on October 5 in his public comments on social media, he acknowledged that the Community Services minister “... gave the Legislative Assembly notice of a motion to establish a Special Committee on Civil Emergency Legislation. There are 2 good things about the proposed motion, 1 being the proposal to set up the committee... The govt could have done an internal review and then introduced a bill to amend the *Civil Emergency Measures Act* to suit its preferences. Instead...” — and then he used the name of the minister, which, of course, I can’t in the Assembly — “... has proposed a process that allows the opposition parties, and perhaps the public, to participate in the act’s review.”

“This should happen more often. So, kudos for that. The other good thing is that...” — again, the name of the minister — “... is proposing a committee of just three members, one from each caucus. In my experience smaller committees work better. Fewer members mean fewer schedules to coordinate... But...” — and again, the name of the Minister of Community Services — “... should not be on the committee. The YLA has appointed ministers to small select committees before. It should abandon this practice. It should only appoint ministers to committees where party balance is necessary. It

isn’t necessary for a 3-member committee. Committees exist to (among other things) help the YLA hold cabinet accountable for its decisions and actions. That is harder to do when a minister is on the committee. A minister can’t — and shouldn’t — as a committee member, hold their fellow cabinet ministers accountable... The committee’s focus should be on the future, not on the past. But it will have to consider govt actions so far, including the ministerial orders...” — again, he used the name of the Minister of Community Services — “... has issued under CEMA. The committee can’t de-personalize its process if...” — again, the name of the Minister of Community Services — “... is on the committee... especially if the committee holds public hearings and...” — again, the name of the Minister of Community Services — “... has to face people unhappy with some of his decisions. Plus, the pandemic isn’t over and may last throughout the committee’s mandate...” — the name of the minister — “... shouldn’t be in a position of exercising authority under CEMA... while participating in a review of that authority. The govt believes...” — the name of the minister — “... responsibility for CEMA means that he should be the Liberal on the committee. But responsibility for the act and involvement with govt decision-making are reasons to leave...” — again, he uses the minister’s name — “... off the committee... Over the years the YLA has appointed ministers to the Public Accounts Comm. Those ministers never participate in studies that involve a department for which they are responsible. They recuse themselves. Another caucus member replaces them. That thinking should apply here... When...” — the name of the Minister of Community Services — “... motion is debated it should be amended to remove...” — again, his name — “... from the committee’s membership. A Liberal private member should be named instead...” — the minister’s name — “... views, experience and expertise will not be lost to the committee... The committee can invite...” — again, his name — “... to appear before it, in camera or in public, to discuss CEMA and his experience with it. That way the Liberal committee member will not have to defend the govt’s actions under CEMA. This would be serve the YLA, Yukoners and...” — again, the name of the minister.

Again, I was quoting again from our well-respected, retired former Clerk, Dr. Floyd McCormick, in his capacity as a private citizen. I do note that I agree largely with his comments on that and I think that the government would do well to recognize that those comments are not made in a partisan manner. Just as he did during his time here in the Assembly when he was expected to remain politically neutral, the comments that Dr. McCormick has chosen to make since retiring seem to be in keeping with providing his views as an interested observer, not as a partisan observer, and he has dished out kudos where he thinks they are deserved and criticism where he thinks that is deserved.

I do appreciate those comments and I would encourage government to consider them — both in the context of the debate that we are having today on the extension of the *Civil Emergency Measures Act* and if the government again calls its motion to create an all-party committee to review the *Civil*



*Emergency Measures Act* — because fundamentally, we know that this government has had difficulty understanding the lines of propriety in the past and have embarrassed themselves before through their lack of understanding. Just as with their committee on electoral reform, they failed to recognize that, if the proper process is not taken in setting up the committee in a way that is seen as fair and unbiased, the public confidence in the outcomes of that report will be very low. They are impeding if the government doesn't understand the lines of propriety.

That is the reason, of course, in the case of the long-standing practice of the Public Accounts Committee, wherein ministers recuse themselves if they are dealing with a department that they were minister for during the time period that is covered by the review or if they are currently the minister for that department. That is out of recognition of the fact that certain steps have to be taken or there will simply not be public confidence in a review — especially one that is seen as the government just giving themselves a report card on what they have done.

So, again, among the things that we have noted throughout the last seven months while we were asking the government to recall the Legislative Assembly and pointing out that democracy is an essential service, we've seen the situation where a Liberal Premier said: "... we're not in a situation where we need legislative oversight for any of the actions we've done so far."

Again, we feel, as we noted in a press release — the press release I'm quoting from is on May 19, 2020: "Yukoners should be very concerned when our leaders start decreeing that their political party should be free to operate without legislative or democratic oversight."

Now, Mr. Speaker, again, as I mentioned, there's a long list of ministerial orders. Every one of them is affecting the lives of Yukoners, and I feel like I've missed something that I meant to mention on behalf of Yukon businesses that are affected.

One of the points I meant to mention is — among the concerns that I've heard from Yukon businesses come from tourism business owners who started out the approach to this season before the pandemic hit with optimism and suddenly, when I was talking to them earlier during the pandemic — the best word that I can use to describe the response was that they were reeling from trying to figure out what they were going to do. They were trying to figure out how to survive the pandemic as a business, how to help their employees — who they knew were depending on their jobs — and figure out a way to get through this massive change to everything around them.

I've heard as well from business owners who are concerned that they believe that, generally, their ability to survive through the summer would not be the problem — because they largely depended on the three months in the summer to get through the other nine months — but as they faced the summer — and faced a very dismal summer in terms of tourism income — they were again really wondering about the ability of the business to ever recover from it and whether they themselves — at the point they were in their lives — were

prepared to do what was necessary to try to pull it all back together again after this significant hit.

Again, the common connections in all of these matters are: The details of this matter tremendously.

They are affecting the lives of business owners and others each and every day in the territory, and there has been a profound lack of public consultation on the details and a lack of recognition by the government, which was highlighted and made clear with the out-of-touch comments by the Liberal member who introduced this motion — failing to recognize that people who are being affected by this and by government decisions are really, in many cases, experiencing very tough times financially and personally. I would urge the government to recognize that, in responding to this and in considering those concerns, rather than dismissing the input from any Yukoner, they would do well to remember that they have an obligation to try to serve the interests of every citizen in this territory in the best manner they can and to respect their rights, their freedoms, and their hopes for their economic future and their family and to consider, when they're taking action — including but not limited to the pandemic response — that I urge the government to exercise empathy and compassion in recognizing that what they're doing is impacting people's lives, and some of those impacts are very negative. In my view, where those measures could be improved and fulfill the necessary public health requirements in a way that better supports that business or those people, government should not be deaf to that concept. They should not close the door to that input, and they should never dismiss people who are so upset about the lack of democratic process in imposing these restrictions that they feel are unjustified that they challenge the constitutionality of those decisions. They should never see the government dismiss them in the callous manner that a Liberal member did earlier this afternoon.

I want to note that, similarly, for people who feel that the government has been too open in some of the restrictions and is taking unnecessary risks — whether it be with travellers coming through or with the border being open to BC — none of those concerns and perspectives should be dismissed or made light of. They should be considered on their merits; they should be considered thoughtfully and compassionately in the context of other matters, including the advice from the chief medical officer of health.

Government should be trying to work together with citizens and with all Members of the Legislative Assembly to figure out how to refine and improve the response to the pandemic, rather than simply doing as they have, defensively digging in and attacking anyone who doesn't agree with them.

Mr. Speaker, people whose lives and livelihoods are being directly affected and are worried — and I'm not understating the worry. I want to note that I regularly hear from those people who are concerned about the impact of the pandemic on their businesses, their lives, their children, and so on. Ultimately, while there is no question that some measures must be taken by government and some restrictions must be in place, as I've stated several times in this Assembly and will emphasize again, with unprecedented restrictions on people's lives should come

increased democratic debate and increased public scrutiny, not less.

Mr. Speaker, I could go on at some length here. If I went through the list of concerns that I have heard from people who have phoned, e-mailed, messaged, spoken to me in the street, and so on during the pandemic with their concerns, I would be here for much longer this afternoon, but I would like to suggest an improvement to the motion.

*Amendment proposed*

**Mr. Cathers:** I move:

THAT Motion No. 236 be amended by:

(1) inserting “: (1)” after the word “supports”; and

(2) inserting the phrase “; and (2) any future extensions of the current state of emergency being debated in the Legislative Assembly prior to their implementation” after the word “Yukon”.

**Speaker:** I have received a copy of the proposed amendment and am reviewing the same with Madam Clerk of Committees. Other members have now received their copies.

I will give members a minute or two to review, and then I’ll proceed.

Member for Copperbelt South.

**Mr. Kent:** As was practised, I believe, last week, I’m wondering if the Legislative Assembly could adjourn for five minutes just to review the amendment on both sides of the House. I know we did that last week on private members’ day.

**Speaker:** Do members wish to have five minutes?

**All Hon. Members:** Agreed.

**Speaker:** The House is recessed for five minutes.

*Recess*

**Speaker:** I’ve had an opportunity to review the proposed amendment with the Clerks-at-the-Table and can advise that it’s procedurally in order. Therefore, it has been moved by the Member for Lake Laberge:

THAT Motion No. 236 be amended by:

(1) inserting “: (1)” after the word “supports”; and

(2) inserting the phrase “; and (2) any future extensions of the current state of emergency being debated in the Legislative Assembly prior to their implementation” after the word “Yukon”.

**Mr. Cathers:** In speaking to the amendment, I would like to note that, as members can see, what we are proposing is that future extensions of the current state of emergency be debated in the Legislative Assembly prior to their implementation. This is consistent with what some other Canadian jurisdictions are already doing in assemblies that involve more members than we have here in the Yukon. We’ve seen others that have provided the opportunity before their state of emergency was extended — there was debate and authorization by the Assembly before that happened.

There really isn’t a good reason why the Yukon can’t do that here. What we’re suggesting in this proposed amendment to the motion — and have also indicated that we believe that it should be included in the amendments to the *Civil Emergency Measures Act* — would be to allow the Legislative Assembly to declare the state of emergency but require — once it goes beyond 90 days — that measure to have approval and authorization from the Legislative Assembly or their provincial parliament. That is consistent with the importance of ensuring that a declaration of a temporary emergency does not become something where, for matters of convenience, government abuses those powers in areas for which they’re not strictly necessary.

For example, as you will recall me mentioning earlier, Mr. Speaker, with regard to legislation that the government proposed about banning single-use plastics, the fact that, in tabling new legislative amendments — rather than including a provision in that legislation that would allow them to suspend it during a pandemic — their proposal, as included with the briefing notes they handed out to members at the legislative briefing, was that, if there was a problem with it, they would just suspend it under the *Civil Emergency Measures Act*. That, in my view, is not the intention of the *Civil Emergency Measures Act* — when you actually could have tabled new legislation that considered the fact that you’re currently in a civil state of emergency and might be in a civil state of emergency next year. That legislation certainly could have contemplated that fact rather than simply relying on the convenience of the power of the *Civil Emergency Measures Act* to set it aside.

That’s an example of the misuse of those powers, and it also goes back to the central argument in this amendment as to why it’s important for future extensions to be debated.

I want to note with regard to that, among the issues we have seen when government has imposed ministerial orders, that there have been problems created by them, but there have also been other areas where, in repealing those ministerial orders, they have had other unintended effects that have also made citizens or businesses upset, and that includes cases where — we heard from one business that was directly affected by changes made that affected what they could do in terms of retail under an emergency order, and they were advised of that change that affected them by an official, as it was being announced by the minister. They weren’t happy about the repeal of that order, which had helped them in handling the pandemic. Its removal created challenges for them.

Again, the importance of debating those orders and the importance of debating future extensions of a state of emergency in the Assembly is that, every time there’s a legislative check and balance on it — every time there’s a requirement for debate — it allows the opportunity for some of these matters to be addressed, and if there was a robust public process — both in terms of dealing with the specifics of the ministerial orders and in general with debating a state of emergency — it allows for the conversation, both in and out of this Legislative Assembly, about what’s working, what isn’t, and whether changes should be made.

That change announced by the minister, affecting at least one business that I'm aware of — owned by constituents — in a negative manner, is one that I heard about along with the Leader of the Yukon Party, Currie Dixon, when we went on a tour of that Yukon business. We heard their concerns about the lack of consultation and the removal of certain provisions that were actually helpful during the pandemic.

We also — again, in speaking to the importance of debating extensions of the state of emergency and the fact that this allows debate about what's working and what isn't and the very necessity of a state of emergency — or I should say, in addition to the question of the necessity of the state of emergency — it also allows the opportunity for debate on some of the details of what is and isn't working here in this Legislative Assembly or in future legislative assemblies.

Another example of where government's removal of ministerial orders or the specific provisions of them have had an impact is with regard to property taxes. I have heard from constituents who have been put into a situation where, prior to the pandemic hitting, they had every expectation that they would be able to pay their property tax bill and local improvement charges associated with the well program and rural electrification on their property, and then the pandemic hit. I am not disputing that the government intended — with the civil emergency measures property tax relief COVID-19 order — Ministerial Order 2020-21 — I am not questioning that they were intending to be helpful, but my point is that — and this relates to both the provisions of that specific order and the importance of debating extensions to the state of emergency and the natural opportunity that allows for debating what's working, what isn't working, and concerns that we have all heard from our constituents and other Yukoners.

In the situations that I have heard about, we have separate situations where people have been affected by impacts to their finances this year and, in another case, where someone, because of the different deadline —

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

### Point of order

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

**Hon. Ms. McPhee:** I think a point of order exists under Standing Order 19(b)(ii) in that the Member for Lake Laberge has strayed quite far from support of the amendment that he has put on the floor.

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

**Mr. Cathers:** If the Government House Leader had allowed me to continue, she would understand the very direct relevance of this to the government's decision to extend the state of emergency the first time and how it relates to this proposed amendment.

### Speaker's ruling

**Speaker:** The Member for Lake Laberge, I suppose, is putting forward the proposition as to why, in the member's view, future extensions should have the scrutiny of the

Legislative Assembly. I'll listen closely, but I didn't quite yet hear a point of order with respect to relevancy on the matter that's currently under discussion, which is the amendment, but I'll — you can continue, thank you.

**Mr. Cathers:** The government implemented the state of emergency on March 27. On June 12, they extended the state of emergency, and then, on September 9, they issued a further extension to the state of emergency.

Now, had those extensions required debate in this Assembly — instead of simply being a matter that Cabinet, based on the limited information that Cabinet has available to it, decided behind closed doors — some of the matters, such as the one that I was just speaking about, would have had a natural opportunity to come forward in this Legislative Assembly and allow government to better consider what changes might be necessary to existing ministerial orders and consider and better understand the impact of repealing or revising ministerial orders.

In the cases that I'm mentioning, I'm talking about where — had the debate occurred in June on the extension of the state of emergency instead of it simply being extended by Cabinet on June 12, 2020, or had it been debated prior to the September 9 extension by Cabinet, there would have been a natural opportunity to discuss what was and wasn't working, including, in this case, with their property tax relief measures. I have heard from constituents, who despite government's intention undoubtedly to assist them in this year — for people who are still not able to pay their bills or who missed the revised deadline because it didn't happen at a normal time of year and found themselves, in one case — including somebody who contacted me just recently who was unintentionally late in paying their taxes, hadn't received a reminder, and got hit with a 10-percent penalty with no one having the ability to revise it.

When government extended the state of emergency, either on September 9 or on June 12, that could have been considered. I would note that it certainly appears that, at the very same Cabinet meeting that Order-in-Council 2020/123, *Civil Emergency Measures Act Declaration Extending State of Emergency*, was issued, the property tax order that I was referring to was reviewed, considered, and implemented at that same meeting. Had that debate happened in the Legislative Assembly rather than just behind closed doors upstairs, these issues that I'm mentioning might not have been missed, and my constituents — and I'm sure others across the territory — would not be in a situation where they are facing either a penalty for missing a tax deadline or in a situation where they want to pay their tax bill but don't know how they're going to do it.

That is the direct connection to why an extension of the state of emergency should not only be debated, but the details that I referred to could involve in the future — it could help government avoid missing something that might seem like a minor detail to them but, I assure you, is having a very direct impact on people's lives because government — probably with the best of intentions — missed something because they just didn't understand its impact on Yukoners.

In wrapping up my remarks here in support of this amendment, I do want to give government credit where credit is due. I do recognize that they have been trying to protect the public health of Yukoners. There are parts of the response to the pandemic that have been done well. I also want to acknowledge the work of public servants in this and the fact that, when the extension of the state of emergency was recommended and considered by Cabinet, undoubtedly there was a lot of work that went into the consideration and recommendation of that. But fundamentally, the reason for proposing this amendment and the reason for the fact that we announced on September 2 the changes that we would make to the *Civil Emergency Measures Act*, which include changing the law to ensure that, even in an extended emergency, governments would still be subject to scrutiny and accountability by the Legislative Assembly and include a requirement that extensions of a state of emergency be subject to debate in the Legislative Assembly, as well as that orders-in-council, ministerial orders, brought forward under the auspices of CEMA would also be subject to review by the Legislative Assembly.

These parts are not just political arguments that we are making, which is what the government seems to be minimizing them to. It is, in fact, something that relates very directly to the lives of Yukoners, and government, in taking a casually autocratic approach to managing the pandemic, is simply missing things that affect people's lives in areas where, if they were a little less stubborn and a lot more collaborative, they could be doing a lot better to help people.

We do, in proposing this amendment, acknowledge and support the concept of a civil state of emergency, but we propose the insertion that future extensions require debate in the Legislative Assembly. In speaking to that, I want to quote from a press release that we issued directly related to the extension of a state of emergency. On September 2, we announced democratic reform measures, noting: "Over the last several months, the Yukon Liberal government has hidden from accountability and refused to allow for any democratic oversight of their actions. They have refused to allow the Legislature to sit and refused to allow Committees to meet or discuss issues or ministerial orders related to the pandemic.

"This means that the Liberals have been operating in secrecy while undermining the basic principles of democracy. At the same time, legislatures in almost every other province and territory in Canada have been sitting, or have resumed sitting, during the pandemic.

"In response to this abuse of power, the Yukon Party announced that a Yukon Party government would amend the *Civil Emergency Measures Act (CEMA)* to require democratic oversight of the government during an extended emergency, like the one we are in today. The amendments to the act will include: Changes to the law to ensure that even in an extended emergency, governments will still be subject to scrutiny and accountability by the Legislative Assembly; the requirement that any extensions of a state of emergency be subject to debate in the Legislative Assembly; and that Orders-in-Council and Ministerial Orders brought forward under the auspices of the

*CEMA* would also be subject to review by the Legislative Assembly.

"Some of what the Liberals have done was necessary. Some of what they have done was flawed, misguided, implemented without consultation, and potentially catastrophic for the territory's future. But all of what has been done deserves scrutiny in the Legislature," said Yukon Party Leader Currie Dixon. "Simply put, the pandemic is not an excuse for the Liberals to avoid scrutiny of their actions. Yukoners expect and deserve a working democracy."

"Over the past 23 weeks the Liberals have dramatically increased spending and launched broad new, unbudgeted programs, issued unprecedented executive orders that affect the way people can live their lives, and possibly even infringing on Charter and constitutional rights. Further, the Liberals directly requested that their debt limit be doubled to \$800 million. Finally, they have announced an extension of the state of emergency without any democratic oversight."

So, Mr. Speaker, in wrapping up my remarks, I would note that this was from a press release that we issued on September 2, and, of course, this is now October 14. As noted by the Clerk of the Legislative Assembly, earlier in my remarks, it has now grown to 201 days since Cabinet first declared a state of emergency, and we are now only finally, after 201 days, debating it here in the Legislative Assembly. This could have and should have happened a lot sooner.

If the amendment that I proposed is accepted, it would see the House support the concept that any future extensions of a current state of emergency should be debated in the Legislative Assembly prior to their implementation.

Mr. Speaker, there is simply no good reason and no reasonable excuse for avoiding the scrutiny of this Legislative Assembly.

**Mr. Kent:** I appreciate the amendment brought forward by my colleague, the Member for Lake Laberge.

When you look at the initial motion introduced by the Member for Copperbelt North — it's very short, so I'll just read it in: "THAT this House supports the current state of emergency in Yukon."

It's a very black-or-white motion. As the Member for Lake Laberge explained and as I will go into once we get back to the main motion and are not speaking about this amendment, there are a number of issues related to the state of emergency and things that we have all heard from constituents both in support of how the state of emergency was handled — some thinking it didn't go far enough and some thinking that in certain instances it went too far.

From all of the individuals whom I heard from — whether they were in that category of not believing it went far enough or believing some aspects have gone too far — the one thing that everybody did agree on is that there needed to be some democratic oversight of the state of emergency and the extensions of the state of emergency.

We had a number of issues — like the preferred business list along the Alaska Highway corridor that the government introduced and then quickly rolled back. It was picking winners

and losers as far as businesses along the highway were concerned — and learning from social media that it actually caused one business in Watson Lake to shut down for the season. That wasn't changed until the government was called out on social media. We heard about it on our side from the Member for Watson Lake; she brought that forward. We issued a press release on that. Afterward, the government rolled back that preferred business list.

Of course, there have been impacts on the tourism sector. We heard from the Minister of Tourism and Culture in March that it was "...business as usual". Another quote she said was that "We have this" — when it came to the handling of the tourism crisis — but we didn't see either of those statements come to fruition.

Personal services were closed down, with little to no communications to those owners. The hospitality sector has been decimated. Our bars and restaurants have been decimated throughout this pandemic. The health care allies have some issues and concerns that I can get into more detail on. The reopening plans for schools — there's a whole variety of issues that we have been talking about with respect to this — and talking about it through the summer, outside of the scrutiny of the Legislative Assembly, which is what is being proposed here by the Member for Lake Laberge.

There are many issues that we have heard on border closures and the enforcement of the corridor for vehicles travelling through to Alaska or coming from Alaska travelling down to the United States. Again, those concerns that I've been hearing from constituents of mine are on both sides.

One thing, though, that did come up is the communications aspect and some of the responses that my constituents got from the COVID-19 line. I'll get into more details about that when we get back to the main motion. We haven't heard from anybody on the government side with respect to this amendment that has been put forward by the Member for Lake Laberge, but I agree that any future extensions of the current state of emergency need to be debated in the Legislative Assembly prior to their implementation.

I'm hoping that we hear from someone on the government side with respect to this amendment, and I'm hoping that they're in favour of it, because it is regarding democratic oversight and it is something that could lead to improvements in those states of emergency, policy, and the things that the government has been doing when they extended it in June and then extended it again in September.

I am hopeful that they will support it, and if they are not going to support it, I am wondering what the explanation would be — why they don't believe that any legislative oversight is required for the extension of these states of emergency.

I think that one of the big things that Yukoners have seen with this Liberal government over the extensions is that they are too comfortable with this. They have been extending these states of emergency without the scrutiny and debate of the Legislative Assembly. Each and every one of us in here has been elected by Yukoners to represent them and represent their interests. I can't speak for everyone, but this summer has been

by far the busiest casework summer for me as an MLA in the Legislature for the number of years that I have been here.

Again, I would be looking for that explanation from the government as to why they won't support these extensions coming to the floor of this Legislative Assembly prior to the implementation. I look forward to hearing from at least one member opposite. Hopefully, they will get up and respond to that question and will be supporting the amendment put forward here by the Member for Lake Laberge to the Member for Copperbelt North's original motion.

**Ms. Van Bibber:** I have been listening intently to the debate, and I also think that it is very important.

I have heard from many constituents over the summer about the pandemic, the government's action throughout it, and the state of emergency. I think this is a great opportunity to finally be able to rise in this House to speak to these important issues on behalf of our constituents and hundreds of other Yukoners who have reached out to us as elected representatives. This, of course, is really only our first opportunity to do this and speak about it.

As you will remember, we really have not been able to speak to these issues because the Liberals did not allow for the return of the Legislature throughout the summer.

I would like to thank the Member for Copperbelt North for bringing forward Motion No. 236 today to give us this opportunity to speak today. It gives all members an opportunity to weigh in on why undermining parliamentary oversight and our representative democracy is just wrong. It gives all members the opportunity to reflect on the undemocratic tendencies of this Liberal government.

I do want to say that I think that the original motion was a good start, but it seems that it is missing some key principles that respect democracy. That is why I would like to thank the Member for Lake Laberge for bringing forward this important amendment to the motion. I think it goes a long way to providing the democratic oversight that the Liberal government refused to allow over the last six or seven months, and it will help us ensure that the Liberal government does not fall back on its undemocratic tendencies. We need to know that we have the opportunity to debate and vote on any future extensions of the current state of emergency that has been happening in our jurisdictions. We are elected members for various ridings and communities of the Yukon, and we must be able to debate and provide democratic oversight to the government's decisions. A stable and working democracy assures Yukoners that we did do our due diligence and made correct decisions on behalf of everyone. Beyond providing certainty, it is just the right thing to do.

It is important to talk about how we got here. Once the pandemic began in China, it started to move around the globe, and surprise, Canada was not immune. In Yukon, although very lucky to date, we are not immune. Seeing a few cases here and there over many months has some people nervous, some skeptical, and others cautious — optimistic or pessimistic, depending on your nature. People come to their elected representatives about what is happening and what is the

government doing. The way a democracy works is that we, as elected representatives, are supposed to be able to ask these questions on behalf of our constituents in the Legislative Assembly, the physical home of our territory's democracy.

I want to be clear: This concept that we should be allowed to provide democratic oversight of a government is not about opposing the government; it's not about criticizing; it's not about opposing or criticizing the state of emergency. It's about scrutinizing and providing oversight of governments to ensure that they are representing and making the best decisions on behalf of all Yukoners.

The government — with this motion and some of the comments by their ministers over the last six months — seems keen to make an issue and have a political fight. I don't think this serves Yukoners well. It does not serve the public health needs well, and it does not serve the economic recovery well. What serves us is a government that is open and transparent about their decisions and allowing elected representatives to provide oversight — how and why things got to where we are today. This is what gives government and their actions legitimacy.

We have heard from many Yukoners, including Yukoners who live in the riding of the Member for Copperbelt North — in fact, even Yukoners who supported the Member for Copperbelt North in the last election — who were shocked to hear that the Liberal government was not allowing for this oversight. That's why, I think, this amendment is important — so that any further extensions allow for us to ask some questions and raise different perspectives on behalf of all Yukoners.

Guess what? When other jurisdictions did this and provided this oversight to elected representatives from other parties, the opposition parties supported the extensions of the states of emergency. I guess the question we must ask is: Why is the Liberal government afraid of this transparency?

I do want to say that we have done some right things in our early response to the pandemic. By taking precautions early on, we ensured that our initial caseload was not very high. Obviously, we think the government should have acted a bit quicker. Initially, they said that business was great, and anyone asking for a quicker action was paranoid. This was disappointing, as a quicker response by the Liberal government might have reduced our cases even further.

One major issue that has come up to me as an MLA throughout the pandemic and the state of emergency and its subsequent extensions has, of course, been our proximity to Alaska. Perhaps in part due to our closeness and with the Alaska Highway connection where we must allow Alaskans or US citizens to travel through our territory, I have often heard concerns about transmission related to highway travel. We recognize that this is a difficult balance. No one is denying this. All we're asking for is information and the ability to debate these things and ask about them in this Legislative Assembly.

For example, what information and input went into the government's control along the Alaska Highway throughout the state of emergency? How much was spent enforcing travel along the Alaska Highway? How many public servants were

operating as patrol or security guards along the highway? How many people were turned away from going to downtown Whitehorse? How are we reducing transmission at our gas stations and restaurants along the Alaska Highway? Why did the Liberal government issue a list of approved businesses along the Alaska Highway that left a number of business establishments off? What controls are in place at the Mayo Road Cut-off or the Carcross Cut-off to ensure that people stuck to their required routes?

These are not tough questions, and they're not trick questions. But they are questions that Yukoners have — and they expect their elected representatives to be able to ask them — which again is why so many Yukoners were surprised that the Liberal government refused to allow for democratic oversight of their decisions.

Some of our communities are well-known tourist and event hubs. Many of them have been devastated by the decision to close the borders. Again, this is not a criticism of the decision to close the borders or restrict the borders, but these are the types of issues that are important for lawmakers to discuss before a government makes these decisions. These communities and their tourism businesses rely on visitors and the economy that it brings to fill rooms, to eat at local eateries, buy souvenirs, and take the tours.

As was mentioned by many of the tourism and business operators whom my colleagues and I have spoken with over the past months — and continue to — the tourism industry is a deeply interdependent network of operators. When one operator is forced to slow or shut down, others do as well. For instance, if a bed and breakfast that offers tour packages with other businesses faces issues, all those businesses will feel the effects. It's the trickle-down effect.

Employers and employees also feel those effects. If a business can't remain viable, then unfortunately we will see layoffs. This means Yukoners may be put in a position where they can't pay their bills, can't pay their mortgages, can't buy groceries — and the list goes on. These are the types of issues that allowing for democratic oversight allows us to debate and consider all sides of an argument — not that the ultimate decision would necessarily change, but all of the issues and concerns would have been considered. It isn't enough for the government to say, "Just trust us." That is not how democratic oversight works.

The initial implementation of the first round of emergency measures took place when everyone was scrambling to make sense in a senseless world. No one from our side has said that we should have slowed that process down by requiring legislative debate beforehand. Things were crazy, and the government had to act quickly — but the first emergency was for 90 days, and then the government extended it another 90 days and then another 90 days. Before both of these extensions, the government had 90 days of time to allow for democratic oversight of the extensions. They could have come back at any time between any of those periods for a couple of days of sitting in this Legislature to allow for debate, to allow for oversight, and to allow for scrutiny, but instead, they chose not to.

Instead, they shut down democracy and insisted they did not need any help. When measures are extended and things put in place without asking all the members, we get into trouble. Democratic oversight is set aside, and decisions are instead made in a “we know what’s best for you” fashion. That’s not how things should work, and it’s very disappointing that the Liberals used their majority power in this way.

If the Speaker does not officially call the Legislative Assembly back to discuss issues, then any briefings are just informal meetings — not recorded, not on the record, and not a substitute for democratic oversight.

Yukoners deserve to know what is happening and that they’re being equally represented in this process, especially since a lot of these moves could easily have received the support — or at least understanding — of why they needed to be implemented. By sharing this information on these measures, it would likely have made the government’s stance and decisions more palatable. The negative response to the autocratic process being taken by this government could have been largely avoided if only the Liberals had allowed our democracy to function. Decisions would have easily been accepted more readily if the public knew that they were being scrutinized from many angles, as they could have been if they were decided through a committee of the Legislative Assembly or within the Legislature itself.

By following a democratic process, it’s quite possible that the measures implemented would have been very agreeable to the public and to the opposition parties. The unilateral decisions have manifested into outrage in some of the private sphere. Businesses are coming forward to challenge these decisions in court to ensure that our rights are not being violated in a way that goes against the *Canadian Charter of Rights and Freedoms*. This is another important point. By allowing —

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

### Point of order

**Speaker:** The Minister of Highways and Public Works, on a point of order.

**Hon. Mr. Mostyn:** This is the first time I’ve done this, Mr. Speaker. I don’t do this lightly, but I believe the member opposite is referring to a matter before the courts — or pending — that’s Standing Order 19(f), and I believe that’s out of order, Mr. Speaker.

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

**Mr. Cathers:** Perhaps the minister is suffering from a short memory, but earlier, regarding the government’s motion establishing a committee related to the *Civil Emergency Measures Act*, I sought a ruling from the Speaker regarding whether matters related to it were in order because of the court case. At the time, regarding that matter, you ruled that it was not constrained by the parliamentary convention and made reference to — I don’t have that passage in front of me from *Beauchesne* — but in my view, the manner in which the Member for Porter Creek North is discussing matters that relate to a matter that the Liberal government is being sued for is not substantively different from the connection between the motion

last week. So, I think that the minister is mistaken in his interpretation. Of course, you will make the ruling on the validity of that, but that is my submission to you.

### Speaker’s ruling

**Speaker:** I would perhaps have to review my previous ruling, but that discussion was about — I will have to review Hansard and I will come back as required — but it was a proposal to have a legislative committee review an act. As I recall, in *Beauchesne*, the concern was that, if there was any litigation filed anywhere in the country that was notionally relevant to that subject matter, if the House — the Yukon Legislative Assembly — was then barred from reviewing its own legislation by virtue of interceding civil litigation or criminal litigation or whatever it was, that would defeat the very purpose of the Legislature and its own legislative function.

This is closer, I think, to actually just getting — in a motion debate — just getting into discussing a matter that is before the court. Whether it is prejudicial or not is difficult for me to determine. I don’t anticipate that the Member for Porter Creek North is going to get into significant detail about this litigation, but I think that these two matters are distinguishable. Obviously, on the fly, it would be prudent for me to have a closer look and report back.

The other thing I would note in listening to the Member for Porter Creek North is that she will probably have every opportunity on the main motion to provide the comments that she is providing. Some of her comments seem to be more appropriate, really, for the main motion versus this motion, which is the discrete amendment. I have heard her stray from Standing Order 35(b) a few times — but in any event, that’s not what we’re talking about right now.

The Member for Porter Creek North can continue. As I said, in this instance, it’s probably not useful to go into significant detail about the details of any of the pending litigation.

**Ms. Van Bibber:** Businesses are doing all they can to survive in this environment, and I think it’s easy to understand their frustrations and worries. They are trying to do all they can to retain their employees and keep their businesses afloat while dealing with insurmountable restrictions.

Scrutiny was sorely lacking over this last half a year by not calling us back to the Legislative Assembly, so I look forward to the government supporting this amendment. I also look forward to hearing from others.

**Mr. Hassard:** I would like to thank the Member for Lake Laberge for bringing this amendment forward to Motion No. 236. I think it’s a huge improvement to the original motion. It probably wasn’t all that well-thought-out by the Member for Copperbelt North before it was handed to him to read into the record here today, because I’m pretty sure that, if the Member for Copperbelt North had actually thought through this motion before he brought it forward, he would have realized that the issue over the past six months while the Liberals have been abusing democracy was not support for or

against a state of emergency. This issue was that the Liberals were undermining our democratic institutions, taking the territory into debt, and refusing the Legislature to sit. This issue was for debate and scrutiny of those issues. Like many folks have said here today, debate and scrutiny do not mean opposition; they mean democracy.

This is why this amendment is so important, in my particular view, because it's to allow for democracy to continue to operate and provide the certainty and stability to Yukoners, which is why I'm disappointed, on behalf of the Member for Copperbelt North, that, instead of allowing him to bring forward a motion that supports democracy, supports his constituency, or advocates for improving mental health supports for Yukon, he brought forward this half-complete motion that he did.

Again, that's why I'm happy that my colleague, the Member for Lake Laberge, finished the homework for the Member for Copperbelt North, and now we can have a debate and a discussion about providing that much-needed democratic oversight to this Liberal government.

I certainly appreciate the need for the government to have called a state of emergency. There are also a number of issues that have arisen as well. Because the government had been operating without any democratic oversight, these issues were not allowed to be discussed here in the Legislature, which is why this amendment is so important. We need to be able to discuss these issues in the House, and we can't do that when the Liberals are refusing to allow our democracy to work.

One very important issue that has come up, of course, is the mental health of Yukoners throughout the pandemic. We have asked many questions here in the Legislature over the past week and a half about how the mental health of Yukoners has been affected due to the unintended consequences of the public health measures. Unfortunately, to date, the answers from the Minister of Health and Social Services and the Minister of Education have not really contained much information at all. In fact, you would be hard-pressed to consider these types of responses that they give us as actual answers, but at least we are allowed to discuss and raise these topics here in the Legislature.

Mr. Speaker, we are doing that because Yukoners are asking us to. Many of these public health measures are necessary, but as I have said, they do have unintended consequences. I think it is important that, as we make decisions and extend emergencies, we ask ourselves, "If we take this action, what does it mean for the mental health of vulnerable Yukoners?" Maybe we say, "Okay, let's make changes to the busing schedule. Will that mean that some kids can't get to school and their parents will be forced to take leave from work?" I think these decisions are improved and made better if we are allowed to come here to the Legislature and ask these questions.

I know, Mr. Speaker, that sometimes the ministers get a little defensive when we ask questions like this, but we ask these questions because they come from Yukoners and they are important for those Yukoners.

There was a lot of confusion for businesses, especially in the personal and medical services industry. There were some businesses that didn't know which category they even fit in. Some businesses shut down for a period of time and then were told that they didn't need to shut down. Some businesses were told to shut down by the department but not told by the chief medical officer of health. Others, such as dental offices, were closed and unable to get information from the government on how they could reopen. Even after weeks and weeks of follow-up, there was still silence from the government. While they were coming to us looking for help, we weren't able to provide democratic oversight for the government because, of course, as I said, they had shut down debate. They had shut down the Legislature.

I should also remind everyone in the Legislature and listening today that the Premier also stated that his Liberal government does not need legislative oversight. Like I said, while the government was making their decisions, people had questions and there was no avenue to ask those questions. Business owners just wanted direction so that they could comply with the rules. Employees wanted the opportunity to get back to making a living, putting food on their table, and providing for their families. Others were looking for information on supports to help them to get through this, either financially or socially. I don't understand why the Liberals wouldn't get back to people about this, but they didn't.

Letters to Liberal MLAs and ministers went unanswered. I don't understand why they ignored Yukoners and ignored democracy, but this amendment will make it so the Liberals won't be able to ignore Yukoners in the future.

Now, another issue that came up throughout the course of all of this and would be part of the discussion was the flawed school reopening plan. Right now, the Liberal plan is for grades 10, 11, and 12 to only be open half-time here in Whitehorse. We're in a position now where a grade 9 student at a Whitehorse high school can go to school full time, but their older brother or sister in grade 11 can't. Perhaps that makes sense somewhere, but certainly it doesn't in my mind.

Regardless, the government never allowed us the opportunity to discuss that decision beforehand, which is why it's so critically important that we are allowed to discuss and debate these issues beforehand.

What this means now is that some families are not able to go back to full-time work, because their kids cannot go back to full-time school. As we have discussed in this House, this will hurt the economic recovery of this territory. This is going to create extreme hardships for some families. I really wish, as an elected representative, that I was allowed to ask these questions about these items throughout the summer. We have seen businesses left trying to figure out ways to adapt. Some were successful, thankfully, while others — many of which are in the tourism sector — were not so lucky.

Then — to add insult to injury for some of these establishments along the highway — the government put out a guide of where to stop along the way for travellers. The Minister of Community Services put this document out telling people only to go to certain businesses — so essentially picking



winners and losers. This decision hurt businesses. I'm quite sure that the minister got an earful over this decision. We heard a lot of concern from the business industry about the minister on that one, and we would have liked to have brought this forward and debated it here in the Legislature, had we been allowed.

A bright spot during the state of emergency was that we all got to see how important the mining industry really is to the Yukon's economy. Both Victoria Gold and the Minto mine were able to adapt and continue to keep people working —

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

### Point of order

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

**Hon. Ms. McPhee:** I appreciate your earlier comments about broad spectrum, but truly, comments about the mining industry, comments about any industry, comments about a process that's far more likely to be properly submitted to this Legislative Assembly on a motion — I am going to suggest that the member opposite has strayed quite a ways from discussing his point of view and his position on the amendment.

**Speaker:** The Member for Copperbelt South, on the point of order.

**Mr. Kent:** I believe that the Member for Pelly-Nisutlin was talking about the state of emergency and the impacts of the different sectors with respect to the state of emergency, so I believe that he is speaking — as others have today, including myself — to the amendment that has been put forward by the Member for Lake Laberge.

### Speaker's ruling

**Speaker:** I think that sort of the general discussion, as I recall now, about the health and importance of the mining sector is starting to stray a bit. As I said in my prior comments perhaps 10 to 15 minutes ago, of course the Leader of the Official Opposition would likely have every opportunity to provide some of those contextual comments in the main motion debate. As we all know, when you are — Standing Order 35 — taking part in a debate on an amendment to a motion — and I quote: "(b) a member, other than the mover, shall confine debate to the subject of the amendment."

Of course, it is open to interpretation — what the actual purpose or substance of the amendment is — but generally speaking, it is the proposition — in my view — that there ought to be Legislative Assembly oversight going forward from this day forward and that this is — from your position — a good idea and that you support this amendment. So, why that Legislative Assembly oversight of future CEMA extensions ought to occur, I suppose.

I would say yes, I think you were straying a bit — but I will continue to listen.

**Mr. Hassard:** Thank you, Mr. Speaker, and I will continue to ensure that I bring it back to the amendment so that we aren't guilty of that.

As I was saying, the importance of this amendment is so this type of thing can't happen in the future — that the Legislature would have the opportunity to conduct this oversight that we feel is so important.

Another issue we would have liked to have had the opportunity to discuss here in the Legislature throughout all of this disarray and the problems — the Liberals continued to ignore calls from us and the NDP to work together, let democracy work, and to discuss these issues on behalf of Yukoners. We should have been allowed to debate these issues. We could have avoided a lot of this had the government chosen a different path.

As early as March 9, I stood and debated a motion on the floor of this Assembly to form an all-party committee to look at how to best deal with the issues that were soon flying in at a very rapid pace. The government, in fact, that day used their majority to vote that motion down. It is interesting because we were even called paranoid by the Liberals at that time. They shrugged their shoulders and we heard the Premier say that there was no pandemic here in Canada. That was a bizarre statement that really downplayed the seriousness of this issue.

Even earlier in this legislative Sitting, the Member for Mayo-Tatchun tried to downplay the impacts of the pandemic by saying that it wasn't as dangerous as alcohol. Again, an odd statement. Had we been allowed to debate these issues in the Legislature throughout the summer, the Member for Mayo-Tatchun could have brought forward his perspective that COVID-19 wasn't as dangerous and the Premier could have elaborated on his statement that there was no pandemic here in this country. Like I said, Mr. Speaker, when I proposed the all-party motion to allow for our democracy to work, the Minister of Tourism and Culture actually stood up — and I quote: "... it's business as usual" and that we've got this. The minister, of course, was making these statements when every piece of evidence said otherwise. The cruise ship industry was collapsing and the border was shutting down, yet the minister said it was "... business as usual."

We as opposition watched as the federal government and other legislatures across the country — and the entire world, actually — figured out ways to get back to work with the challenges created by this pandemic.

That goes to the importance of this amendment. We need to ensure that the Legislature can continue to debate and scrutinize the action of government.

The government refused to allow for this type of debate on the previous states of emergency — or any other actions, really — so it was all without democratic oversight.

Mr. Speaker, I think that this amendment significantly improves the original motion, and I hope that the government would be voting in favour of this amendment. I hope to hear from some of the members across the way. I'm sure they have some very insightful information that they would like to add to the conversation today.

**Mr. Istchenko:** I want to acknowledge the Member for Copperbelt North for bringing forward the motion, but I really do want to thank the Member for Lake Laberge for bringing

forward the amendment. The amendment makes the motion whole, which ensures that any future extension of current states of emergency will be debated in the Legislative Assembly prior to implementation.

I sure appreciate the comments from this side so far regarding the debate, and I do want to weigh in on some of my additional concerns and our additional concerns from this side. The thing that concerns me most through this pandemic has been government's undemocratic use of ministerial orders under CEMA. The government declared a state of emergency in March 2020 and subsequently declared an extension of the state of emergency multiple times.

They made this declaration without any consultation with Yukoners and without any debate or input from any of us legislators. While we can agree — and I say this — that many of the actions that were taken were necessary and effective, the problem is that these actions should have seen scrutiny from the Legislative Assembly. I do say that it's really disappointing that the Member for Copperbelt North seems to be so opposed to democratic oversight. His constituents are saying that they're disappointed in him. It should have been subject to a vote, Mr. Speaker.

As others have pointed out, in its current form, the CEMA is designed to respond to traditional short-term emergencies like fires or floods. It was never meant to grant government the type of powers that have been exercised by the Liberals and certainly not for this length of time, and definitely not without democratic oversight.

It is really too bad that the Liberals took advantage of this act and abused power to shut down this democratic oversight. It is too bad that the Liberal caucus back-bench MLAs supported the government in undermining democracy for the entire summer.

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

#### Point of order

**Speaker:** The Member for Copperbelt North, on a point of order.

**Mr. Adel:** Standing Order 19(g) — imputes false or unavowed motives to one another. I at no time intended to shut down the democratic process. This motion was brought forward so we could discuss these things on the floor. I thank the member for the other side — I appreciate the fact that he thanked me for bringing the motion forward. I'm not finished yet. In my opinion, he is avowing, under Standing Order 19(g), motives that I have no intention of supporting.

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

**Mr. Cathers:** It appears to me that the member is mistaken. In fact, I believe my colleague, the Member for Kluane, was making reference to statements and actions of the Member for Copperbelt North that he viewed as supporting government's action, which he described as undemocratic. In my view, that is simply a dispute between members.

The Member for Kluane views the Member for Copperbelt North's comments as support for undemocratic actions. The

Member for Copperbelt North may see it slightly differently, but it appears to be a dispute between members, in my view.

#### Speaker's ruling

**Speaker:** It is a dispute between members in my view, subject to any additional review of Hansard. The Member for Copperbelt North may disagree with the characterization, but that's not the test.

**Mr. Istchenko:** So, after they declared a state of emergency in March 2020, the Liberal government — and, in particular, the Minister of Community Services — began issuing a range of ministerial orders with powers afforded him through CEMA. The ministerial orders were extremely wide-ranging. They included matters such as the way Yukoners are taxed and included granting the government the ability to unilaterally alter contracts with third parties.

During this time, the Yukon government also doubled Yukon's debt cap. They gave themselves the ability to borrow hundreds of millions of dollars during a pandemic. They did this after directly telling the Legislature many times over the years that they wouldn't do it. We've heard the Premier say this over and over. So, they fibbed about that. They did this without any democratic oversight.

We do know that the Yukon government has drastically increased spending and has indeed sunk the territory into massive debt, so we wonder how much of the debt cap space is going to be used.

I want to be clear: We are not necessarily opposed to any of the government's spending to address the pandemic. We do understand that money is required to address the issue during the pandemic. This is about scrutiny and oversight — the reason that the Member for Lake Laberge brought the amendment forward.

The Liberals seem to interpret scrutiny as a bad thing — as if people are mad at them. Just to be clear — it is just democracy in action. I know that the Liberals may not like that because they are a little bit thin-skinned maybe, but perhaps that is an issue for another day.

Returning to the ministerial orders, I want to note that one of the most contentious actions by the Yukon government was the introduction of travel bans for Canadians to visit Yukon. This was enacted with no debate or discussion, and it affected my riding greatly. Maybe they are 100-percent necessary. I am willing to accept that, but they should be debated. We should have the opportunity on this side — both opposition parties — to ask questions about their implementation — perhaps not in an urgent fashion if they need to be implemented immediately, but definitely if they are going to be extended for long periods of time like we are seeing. The government had 90 days between each extension to allow for legislative debate and to vote on some of these issues, so I think they should have allowed for debate. I don't think that is a bad thing.

I have constituents who haven't been able to see sick grandparents due to restrictions. I know that the government didn't want to prevent families from being together, but it is an unintended consequence, and that is what debate and scrutiny

allows for. It allows us to consider all issues — and guess what? The crazy thing is that, if the government shares the information and works collaboratively with everyone, they might just find that they get agreement, and that is not a bad thing; it isn't.

I think that speaks to the importance of this amendment — for committing to future debate on future extensions. For example, I have a lot of businesses, restaurants, and tourism operators in the riding of Kluane that are suffering due to the government's decisions. I do think that everybody in my riding — I have toured and talked to everyone — recognizes the importance of taking action to protect against the pandemic — and public safety — but they want to know that their democracy is working and that their elected representatives can scrutinize these decisions and provide input on behalf of them, which I would have loved to have done this summer.

I think that it is really disappointing that the Liberals don't seem to think that this is important. I don't think that they care about listening to Yukoners or hearing from others. They approach this as if they know best and everyone else should just sit down and leave them alone.

Anyway, moving on — earlier this year, the Yukon government and Northwest Territories introduced very similar restrictions to travel in the territories. Shortly after that, the Government of the Northwest Territories announced that it was rolling back the border restrictions to more closely align with the *Canadian Charter of Rights and Freedoms*. We heard this when we were talking about the Member for Lake Laberge's amendment that he brought forward. The NWT's previous border restrictions were similar to the Yukon's restrictions.

On May 27, the Canadian Civil Liberties Association wrote to the Yukon Liberal government with concerns that their border restrictions are in violation of section 6 of the *Canadian Charter of Rights and Freedoms*. Those measures were, of course, implemented without any legislative oversight or scrutiny.

The Yukon Party then called on the government to release its legal advice enacting that its actions were consistent with the Charter. Of course, the Liberals didn't want to open and be open or transparent with us — which is sort of par for the course, but it is still disappointing. Ultimately, this whole issue raised serious concerns about whether the Yukon government violated the Charter rights of Yukoners.

Since then, there has been a court challenge by a number of Yukon businesses to the Yukon government's actions. I'll leave it to others to comment on that further — but to my point, it's the actions of the government that deserve scrutiny at the best of times. They deserve scrutiny even more if there is a belief that those actions may have violated the *Canadian Charter of Rights and Freedoms*. In addition to these very contentious actions, the government ultimately made over two dozen ministerial orders under CEMA. I believe that each of those orders deserves scrutiny — and you have heard that from us on this side. They could all very well be justified — and I have said that before; they could be justified — but what's wrong with reviewing them and allowing for wholesome debate?

Even after the fact — and just to point out — the Member for Copperbelt North, who brought this motion forward today, shut down the Standing Committee on Statutory Instruments looking into any of these decisions, as well — very interesting.

I am in full support of the amendment brought forward by the Member for Lake Laberge. I want to thank him for his hard work on this file moving forward, and I want to hear — I would hope, at some point in time, we'll be able to hear from other members on the other side.

**Ms. McLeod:** I would like to start right off the top to indicate that, of course, I am in favour of this amendment to Motion No. 236. I think this amendment will provide much-needed democratic oversight of future government decisions. I say "much-needed" because that democratic oversight has not been possible since March, as the government refused to allow the Legislature to sit.

So, let's be clear, Mr. Speaker: The declaration of a state of emergency under the *Civil Emergency Measures Act* is not something that any government should take lightly. I'm not suggesting that it was an easy task. Further, I'm not saying that we're even against the state of emergency. What I am saying is that we need democratic oversight of government decisions, and I think that is responsible and reasonable.

The powers that are granted to the Premier and his Cabinet under the state of emergency are expansive and broad. What is particularly concerning about the powers available to the government during the state of emergency is how ill-timed those powers are. I think any Yukoner should be concerned when a Premier and a government refuse to allow for democratic oversight and just keep giving themselves more and more powers without any legislative debate.

In my view, the current *Civil Emergency Measures Act* is not well designed for the type of emergency that we find ourselves in. CEMA appears to have been designed to respond to conventional emergencies — emergencies like a wildfire or a flood threatening a community on an urgent basis are the types of emergencies. I don't believe it was designed for an extended emergency lasting months and months. That's why the Yukon Party announced that, if re-elected, we would bring forward amendments to CEMA to allow for democratic oversight of government actions during a situation just like the one we're in now.

We also proposed that ministerial orders, OICs, and other government actions be subject to some sort of legislative scrutiny during a state of emergency. The lack of this scrutiny is something that has caused a lot of concern among many Yukoners. It has seemed to many that government has been taking actions without considering the impact of those actions on the rights of Yukoners.

A good example of this was when they issued an order restricting non-Yukon resident Canadians from coming to the Yukon in a move that was very similar to that taken by the Northwest Territories. When the Canadian Civil Liberties Association raised concerns about this action and the possibility that it violated the Canadian Charter, the Northwest Territories changed course. Here's what the Northwest Territories

Premier, Health minister, and chief public health officer said in an official statement on June 10, 2020 — and I quote: “Travel restrictions are a legitimate and necessary measure implemented by the Chief Public Health Officer (CPHO) to help slow the spread of COVID-19 and mitigate its impact on Northwest Territories (NWT) residents, communities and the health care system.

“While the CPHO does not have the authority to prohibit Canadians from entering the Northwest Territories, she does have the authority to restrict travel within our borders.”

That statement went on to say, “Travellers have the opportunity to voluntarily turn around. If they choose not to, they are informed that they must seek an exceptional circumstances exemption, and immediately self-isolate if they wish to proceed further in the NWT.

“This is a shift in how the order was being implemented through May 29, and reflects an effort to more closely align implementation of the order with the mobility provisions of the *Canadian Charter of Rights and Freedoms*.”

What is telling about that statement, Mr. Speaker, is the admission that they were changing their approach because they had received advice that they may be in violation of the Charter. This is relevant to us here in the Yukon because our orders and actions were very similar to those in the Northwest Territories. Ultimately, here in the Yukon, we changed course too, but we were less forthcoming about why and about whether the Yukon government had advice that our actions violated the Charter. Maybe the government could explain why they changed course. Was it because they knew they were infringing on our Charter rights? I was hopeful that, in debate today, the government could have answered that question.

Mr. Speaker, none of this is to say that the government didn't need to act swiftly or that some measures to prevent the spread of COVID-19 were not necessary. We certainly agree that many of the actions the government has taken were necessary, but the point that I want to make is that those actions need scrutiny and those decisions need to be made transparently. That is called democracy. I think that better decisions are made when they are made transparently. Having a vote on the declaration of a state of emergency would certainly go a long way to improving transparency and democracy.

I also think that it is very important that we find a more appropriate balance between granting government the powers they need to effectively respond to a crisis and allowing an appropriate amount of legislative oversight to help preserve our democratic institutions. There has been a lot of attention recently about finding this balance. Writing in the *Ottawa Citizen*, the research director of the Samara Centre for Democracy said this just this past June: “It's remarkable, at this critical juncture, that the government has permitted so few opportunities for scrutiny, and for the representation of Canadians' experiences and views. Late September is a long way away, and ad-hoc sittings of the House — such as this week's debates on a proposal to crack down on fraudulent CERB claims — aren't cutting it. In this moment, we need an

agile Parliament with the power to get answers from government and make things happen.”

It goes on: “Parliament typically adjourns for the summer, but it should be obvious why this year is different. Start with the scope of the crisis, and the scale of the response.”

Mr. Morden was talking about the federal Parliament, but I think much of what he says rings true here in the Yukon.

Here in the Yukon, we didn't even have the parliamentary committees in place and meetings to review government actions like they did in Ottawa. In fact, the Yukon Party had proposed in early March that we establish an all-party committee to look at the economic impacts of the pandemic. We thought that, by allowing MLAs to help guide the government's actions, we could see better outcomes and programs and policies that were better aligned with the needs of Yukon businesses and the economy. It would have sent a signal to Yukoners that we were working together on this.

Unfortunately, the Liberals used their majority to vote that suggestion down and instead opted to work unilaterally. This is very disappointing to many Yukoners. Even the coverage of that in local media was quite telling. Here's an excerpt from a March 10, 2020, story about the Liberals voting the all-party committee down: “Silver however, said the committee is unnecessary because no MLAs are being kept in the dark and assured Yukoners the government is on top of things, so far.

“We're not in a place right now where we have to worry about COVID-19, today,” he said.

“As for details on what the government will do in the future, Silver said it's a ‘moving target’ and that things change everyday.

“Everything that is being asked by the opposition, we believe that we already have [that] under control,” he said.

“We have to make sure that we're prepared. But at the same time, level heads should prevail here and we shouldn't get into the practice of fear-mongering.”

Back in March when the Yukon Party was encouraging action on this, the Premier accused us of fearmongering. When someone pushes for action to protect against the pandemic, the Liberals say that they're fearmongering. When someone asks the Liberals to explain their decisions surrounding the pandemic, the Liberals suggest that maybe they're downplaying the issue, so the Liberals appear to talk out of both sides of their mouth on this issue.

What I can say, from our perspective, is that ultimately what we have always been seeking is government transparency and accountability. Transparency and accountability are the pillars of our democratic systems. As I mentioned, there has been a lot of attention focused on how to allow our democracies to continue to thrive while also allowing governments to exercise the necessary powers needed to respond to the pandemic.

Freedom House, which is an international organization —

**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. 236, and the amendment, accordingly adjourned*

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

**The following document was filed October 14, 2020:**

34-3-35

Concerns on the Tagish River Habitat Protection Area, document re (Van Bibber)