



# Yukon Legislative Assembly

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35<sup>th</sup> Legislature

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## HANSARD

Tuesday, March 28, 2023 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

# YUKON LEGISLATIVE ASSEMBLY

## 2023 Spring Sitting

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

### CABINET MINISTERS

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

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

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

### LEGISLATIVE STAFF

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

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Tuesday, March 28, 2023 — 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.

## INTRODUCTION OF VISITORS

**Hon. Ms. McPhee:** I would ask my colleagues to help me welcome a number of visitors we have here today for the Hospice Yukon tribute. In no particular order, we have: Patricia McGarr, who is a board member; Ellecia Harmer, who is a staff member; Deb Higgins, who is a member of the staff as well; Sue Barth, a long-time volunteer; we have Renée Francoeur, who is a new-ish volunteer; we have Roberta Page, a volunteer; Kim Winnicky, who I have not seen for a really long time — hello — and is a volunteer; Stacey Jones, who is the executive director of Hospice Yukon; and Heather MacFadgen, who is the director. Thank you all for coming.

*Applause*

**Speaker:** Are there any tributes?

## TRIBUTES

### In recognition of Hospice Yukon

**Hon. Ms. McPhee:** I rise today on behalf of the Yukon Liberal government to thank Hospice Yukon and their incredible board, staff, and volunteers for the comfort, support, and empathy that they provide to Yukoners who are navigating the journey of living, dying, and grieving.

Hospice Yukon has walked alongside Yukoners during some of the most difficult times of their lives for more than 30 years. The staff and volunteers provide comfort, care, and often help with coping skills to provide a better quality of life to Yukoners and their families who face life-limiting conditions or who are experiencing loss and grief in its many forms. For those who have needed to lean on the holistic services and programs that Hospice Yukon offers, the empathy and practical support that the staff and volunteers provide offers comfort and the option of companionship during a dark and often confusing time.

Hospice Yukon is centred on honouring the dignity and rights of every unique individual. Its vision is about honouring the spirit, bearing witness, and listening with the heart. Out of a tiny, teal-coloured home on Jarvis Street, the devoted volunteers amplify this vision. They actively work to build a culture of compassion and openness within our community. Many of the volunteers feel called to do this work and end up committing years to the organization.

I understand that this past fall, Hospice Yukon welcomed a large group of new volunteers to its volunteer training program. This is very exciting and welcome news to our territory. It rings true to the warm-hearted spirit of the Yukon.

Each experience with grief is unique. Hospice Yukon offers several services and programs that provide individualized support. Their grief counsellors offer a safe space and provide a compassionate and individualized approach to managing grief, anticipatory grief, ambiguous grief, and healing from loss. Hospice Yukon also offers vigil support and healing touch therapy, which supports physical, emotional, mental, and spiritual health.

They offer grief groups that support people at all stages of their healing journeys. They offer support for the health care workers and other professionals who experience loss at work. They have public education sessions to raise awareness about death, grief, and self-care and the annual Lights of Life event during the holiday season to recognize the people in our lives who have died.

Dedicated Hospice Yukon staff and volunteers offer support for clients in all settings, including the hospital, long-term care homes, private residences, and workplaces. They have also developed online services and programs to support Yukoners living in rural communities.

I am proud and feel truly fortunate to have such a caring and heart-centred organization in the community. It is my honour to be able to thank the volunteers, the staff, and the board of Hospice Yukon, who have helped so many Yukoners live well and care for those of us who are left behind.

*Applause*

**Ms. Tredger:** I rise on behalf of the Yukon NDP and the Yukon Party to add our voices in tribute to Hospice Yukon. I think that we, as a society, are very good at valuing and celebrating the beginning of life. The ends of lives are no less important, but they are less comfortable and are often a challenging and lonely time for everyone. Hospice Yukon does an incredible job of bridging that gap — of bringing comfort and support and wholeness to the time that is the ending of a life.

They describe it on their website as “the profound journey of living, dying and grieving”, and they are there to walk with people through that journey. From counselling to a lending library, to palliative support, to their beloved felt “Feelie Hearts” program, they are there every step of the way.

Thank you to everyone at Hospice Yukon, from staff, to board members, to volunteers. You play an essential role in our community, and we are so grateful.

*Applause*

### In recognition of National Indigenous Languages Day

**Hon. Ms. McLean:** I rise today on behalf of our Yukon Liberal government to pay tribute to people working across the Yukon to celebrate, learn and revitalize Yukon First Nation languages. This Friday, March 31, across Canada, we will recognize National Indigenous Languages Day.

National Indigenous Languages Day is a time to acknowledge the importance of language and culture to the well-being and resilience of Indigenous communities around the world. Here in Yukon, Yukon First Nation languages are in critical condition, with several dialects down to only a handful of speakers, Mr. Speaker. There are many people in groups across the Yukon taking meaningful steps today to revitalize Yukon First Nation languages, culture, and heritage.

True and lasting reconciliation will mean ongoing support for First Nation communities' efforts to reclaim their languages and cultures. I am currently meeting with each Yukon First Nation to specifically talk about language, culture, and heritage in relation to K to 12 education. We are entering into a renewal of the new 10-year joint education action plan, which is a trilateral agreement between Canada, Yukon, and Yukon First Nations. This renewed agreement will have a major focus on language, culture, and heritage.

I commend the Yukon First Nation Language Centre, the Yukon First Nation governments, and the Council of Yukon First Nations for their programs that promote and support revitalization of Yukon First Nation language learning. We continue to offer First Nation language programs in Yukon schools, although there are a few language teacher vacancies due to the declining number of fluent and proficient language teachers.

I commend the Yukon First Nation Education Directorate and the First Nation School Board as they also tackle recruiting proficient language teachers and implementing Yukon First Nation languages across Yukon schools. The Department of Education looks forward to collaborating with the new First Nation School Board as new strategies are considered and implemented.

I often say that culture will save our people, and language is the foundation of this. Without our language and the ability to think in our language, our world view really does come into jeopardy. I am hopeful, as I witness more and more young people learning their language. Recently, at the opening of the 43rd annual Kilrich Yukon Native Hockey Tournament, Mats'āsāna Mą Primozic sang Canada's national anthem in Southern Tutchone and in English, and she is an inspiration to me and many others.

National Indigenous Languages Day serves as an opportunity to celebrate the ongoing efforts of those who continue to protect, educate, and preserve Indigenous languages. To everyone who is working to revitalize Yukon First Nation languages, especially elders, speakers, learners, and teachers, mahsi' cho; máhsin cho; sógá sénlá; shaw nithän; gūnilschish; tsin'jj choh; mēduh.

*Applause*

**Ms. Van Bibber:** I rise today on behalf of the Yukon Party Official Opposition to pay tribute to National Indigenous Languages Day. Each year on March 31, which is this coming Friday, we celebrate all things related to the spoken languages of our first peoples of Canada.

It might be a single day that we have chosen to honour languages, but more and more, we see it in everyday life, as it

should be for the survival of the words and phrases that identify the various Indigenous groups.

This past Friday, as mentioned by the minister, at the opening ceremony of the Yukon Native Hockey Tournament, a beautiful young woman from Champagne and Aishihik, Miss Sarina Primozic, spoke fluently in South Tutchone, and then sang our national anthem, *O Canada*, in her language. It was an amazing, proud moment, not only for our Yukon youth to witness, but for all who attended. This demonstrated the power of language and words. Ms. Primozic's interest to learn her mother tongue well — and now is able to share it with all of us. I am so proud of her accomplishment.

The Yukon Native Language Centre, or YNLC, offers courses so one can gain oral competence and the confidence to speak. Even a few phrases and identifying objects can make you want to learn more. The values of YNLC are real and attainable.

There are three sentences starting with the word "language". "Language must live in the home with families and throughout the community. Language is connected to cultural vitality, land, identity, health, and success in life. Language learning is lifelong, holistic, and across all sectors of society."

Best wishes to all the teachers, the students, and the communities who champion the languages in all that they do — by speaking and being proud of their ancestral roots and language.

*Applause*

**Ms. Blake:** I am honoured to rise on behalf of the Yukon NDP to pay tribute to aboriginal language day.

As Yukon First Nation people, our language is what holds us together. It connects us to our lands, waters, animals, nature, our elders, our stories, and our history. Our culture is our language, and our language is our culture. Our elders have always said that you cannot have one without the other.

Growing up in my home community of Old Crow, I was fortunate to be surrounded by elders and adults speaking the Gwich'in language. As students at Chief Zzeh Gittlit School, we were taught daily to speak, write, and read our Gwich'in language by our elders, the late Annie Lord and Helen Charlie.

However, for many generations, our languages were stolen through the *Indian Act* and residential schools where the children were prohibited from speaking their language and harshly punished if caught.

I am grateful to see that our languages are being revitalized thanks to many dedicated language teachers and language carriers across the territory. I have often heard language speakers say that we have not lost our native languages; rather, it is within us, sleeping, awaiting to be awoken. That can only happen when we speak and bring our languages back into use in our daily lives.

Through the Yukon Native Language Centre, more folks are becoming fluent language instructors, graduating, and sharing First Nation languages in schools and classrooms across the territory. Even many childcare spaces are including language instruction. I think of my own community, where the walls of the Niin k'it Tsal Little Tracks Play Space are covered

in beautiful Gwich'in language posters, and children are taught to speak their language with pride.

Within the Trinin Tsul Zheh day home in Old Crow, owner and operator Elizabeth Kaye speaks Gwich'in to the young children day after day to immerse the little ones in our Gwich'in language. I remember that Liz Kaye left me a message to call her. When I reached out to her by phone at her day home, a young toddler answered the phone and said, "Vanh gwinzii". When I asked for Liz Kaye, the toddler responded: "Jii jùu dei?" meaning "Who is this?" When I told her my name, the toddler continued to ask, "Neenjit dàgòonch'uu?" meaning "How are you?" It was the most uplifting conversation that I had with a young toddler before she handed the phone over to Liz.

For our languages to stay alive, we must invest in and support programs for adults and children alike. Children, families, classrooms, and workplaces across all sectors of communities are all places where our languages need to be visible, heard, and shared.

Mahsi' cho to those instructors, students, and all who are working so hard to keep our languages alive and, through that, our culture.

*Applause*

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

### TABLING RETURNS AND DOCUMENTS

**Hon. Ms. McLean:** I have for tabling today a letter addressed to the Leader of the Third Party dated today, March 28, regarding protection of students.

**Speaker:** Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

### NOTICES OF MOTIONS

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

THAT this House supports the Government of Yukon's investment toward ColdAcre Food Systems' food processing facility to double their capacity to process goods and get their goods to market.

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

THAT this House urges the Minister of Highways and Public Works to take action to prevent flooding of farms, homes, and secondary roads by using the 2023-24 capital budget to improve drainage along the Alaska Highway in Ibex Valley.

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

THAT this House urges the Government of Yukon to increase core funding to the Boys and Girls Club of Yukon by \$343,000.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to provide aftercare support, including a dedicated support worker and counselling services, to rural Yukoners returning to their home communities after accessing mental health and substance use treatment in Whitehorse or outside of the territory.

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

### MINISTERIAL STATEMENT

#### Creative and cultural career advancement fund

**Hon. Mr. Streicker:** I rise today to announce an exciting new fund for the creative and cultural industries. The creative and cultural career advancement fund is the first fund of its kind offered by the Yukon government. This annual application-based funding program will provide three Yukon creative or cultural practitioners with \$50,000 each. During the public engagement to develop this strategy, *Creative Potential: Advancing the Yukon's Creative and Cultural Industries*, we clearly heard the need for funding that facilitates sustained momentum and focus for artists and cultural practitioners. This fund will enable successful recipients to immerse themselves in pursuing a dedicated creative or cultural career or to transform their creative and cultural practice into a career. The award amount is intended to ease financial pressures over a year, helping recipients to be able to dedicate time and energy in their practice, increase their artistic and business skills, and contribute to broader sector growth through knowledge- and skill-sharing.

Applicants may work in any discipline from within the creative and cultural industries. This sector includes those working and participating in the areas of: writing and publishing, audiovisual and interactive media, music and sound recording, visual and applied arts, live performance, and heritage and libraries. Applicants must be able to demonstrate how their practice and career potential will evolve and grow as a result of this investment. They will also demonstrate how they plan to improve their business skills and how they will share and give back to the sector's development. By supporting individual artists and cultural practitioners in this way, we are improving their potential to earn a living through their practice and make important contributions to the Yukon's economy and thriving arts scene.

It also fosters skill- and knowledge-sharing activities, which regenerates and grows the sector. Beyond the economic impacts, this new funding will contribute to showcasing and promoting the Yukon's rich heritage, culture, and artistic practices, supporting business innovation and development, and expanding audiences and markets, which enriches the Yukon and contributes to positive social outcomes.

I am pleased to share that, in order to be more inclusive and accessible, fund applications and project reporting may be submitted in writing, video, or as an audio file. Budgets and financial reporting will still be required in written form. For this first intake year, the deadline for applications is October 16, 2023. Results will be communicated within eight to 12 weeks.

In the years to come, the intake deadline will be May 15. Full program guidelines and the application form will be available online on April 26.

I am proud that we have delivered on this novel initiative, which is action 1.6 from the *Creative Potential* strategy for those following along. This was identified as a priority phase 1 action and is the second new fund that this government has announced from *Creative Potential*.

**Ms. Van Bibber:** I appreciate the opportunity to speak to this ministerial statement on the Yukon's dynamic creative and cultural industries. We thank the minister for the information and will be watching to see what the uptake is and how it will help these creative and cultural practitioners.

**Ms. Blake:** During COVID, despite the most creative attempts to keep culture and arts alive, this industry suffered along with many others. We are all aware of the impacts of culture and arts on our communities and on our economy. It is good now to watch the Yukon Arts Centre come to life with many different shows here and in the communities.

Our music, dance, and cultural festivals around the Yukon are coming back after a long break, and they are coming back stronger than ever. I am amazed at the growing numbers of First Nation artists and performers who have exploded onto the scene and not just here in Whitehorse, but in every community.

I applaud the government for the work done on the creative and cultural industries strategy. This work, with the involvement of so many, clearly shows how important support for arts and culture is, not only to the individual artists and cultural organizations, but to all Yukoners.

The first concern I had upon reading the announcement was that this fund will only be awarded to three individuals and/or organizations a year. The intent of the program is good, but I wonder how all of the applicants will feel competing against each other. I believe in, and value, the collaboration and cooperation that the arts and culture communities display — whether it's at Adäka or a music festival or for an individual showcasing their art in a studio.

This program also asks individuals or groups applying to put in their hard work of an application, then wait for up to three months after the deadline for an answer. This is also a problem. So often, plans or proposals have dates and targets. To wait three months is a long time when you could be moving forward with other plans.

One thing we often hear from artists is that it is so hard to break through on these applications, and they often go only to the already established ones. I hope that these challenges will be addressed in the details.

We also hear often how difficult it is for artists to navigate these applications. For example, I heard that there were no Indigenous applicants to the Advanced Artist Award last year. Other institutions like the Yukon permanent art collection do a great job of reducing barriers to application, so I am very happy to hear that audio and video applications will be accepted for this fund.

The questions that I have are: Is this new funding to the department or a reallocation? How does an individual artist complete the same application and compete against a group with many members and supports to complete this same application? Who will be deciding the winning grant recipients? How will the success of a recipient's program be measured after one year, and will the evaluation go beyond the one year?

While this fund fills an important gap, I know that many other funds are already oversubscribed, and I hope to see them increased as well so that many more artists are receiving supports.

**Hon. Mr. Streicker:** I would like to thank the members opposite for their supportive words and their questions. I will provide a bit more information and answer as many of the questions as I can right now, but I agree — it is great to see our arts coming back.

Our government is committed to supporting the growth and development of the Yukon's creative and cultural industries. The creative and cultural career advancement fund is designed to erode financial barriers while also nurturing increased growth across the sector with skills-sharing and mentorship. It's another great step toward more sustainable advancement and capacity-building for our vibrant and inspiring Yukon creative and cultural practitioners.

Thanks to the folks from the sector who provided feedback on the creative and cultural career advancement fund. That is how we chose the amount and the numbers. They provided a broad range of thoughts and ideas, which better informed the guidelines and led to a more suitable and effective funding program. Again, thanks to them.

But it's not the only program that we have. Since the launch of the *Creative Potential*, our government has revamped how we support the territory's music and film industries, and we have launched the express micro-grant, as well as the Indigenous artists and cultural carriers micro-grant. That micro-grant was released a couple of months ago, and I can provide a bit of an update to Yukoners on its rollout.

This funding program is a partnership with the Canada Council for the Arts, and, so far, it has been very well-received here in the Yukon. It aims to support Yukon Indigenous artists and cultural carriers to enhance artistic and cultural practices while also building capacity to create, develop, perform, and export. This fund is to specifically support Indigenous artists, arts workers, and cultural carriers, and it's also intended to improve accessibility to funding for first-time and emerging artists, as well as artists in our communities.

The fund offers two tiers and has a rolling intake with quick turnaround times for funding decisions. It offers funding up to a maximum of \$5,000 per project and up to \$10,000 per applicant each year. A total of \$150,000 is available between April 1 of this year and the end of March 2024. Since the fund launched in January, it has had great interest, with a dozen applicants already receiving funding to date.

An Indigenous outreach liaison position has also been established at the Department of Tourism and Culture to

provide dedicated assistance to potential applicants. I think that this speaks directly to how we support artists in submitting applications. The creation of the fund supports action 1.1 of the *Creative Potential* strategy, which is to modernize funding supports and remove barriers to funding programs. We know that the creative and cultural industry sector has faced significant challenges, as colleagues mentioned, and has been deeply impacted by the pandemic. We see it continue to emerge and recover.

Thanks to the artists and creative industry folks who helped shape our overall *Creative Potential* strategy. We also recognize the multi-faceted value that they provide to our economy, to our society, and to our everyday well-being.

We know that supporting this amazing sector inspires creativity and innovation, and it also lifts up the Yukon's diversity and uniqueness. Our government will continue to support growth in the creative and cultural industry sector and continue to implement the *Creative Potential* strategy.

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

## QUESTION PERIOD

### Question re: Yukon First Nation procurement policy

**Mr. Hassard:** Yesterday, the Minister of Highways and Public Works explained that the Yukon government has always been clear that — and I quote: “The Yukon government’s intent has always been that businesses need to be registered and officially listed under the Yukon First Nation business registry in order to be eligible or qualify for bid value reductions.”

So, Mr. Speaker, my question for the minister is very simple: If the government has been so clear about its intent, why did the Yukon government’s lawyer argue the exact opposite of that position in a recent court case?

**Hon. Mr. Clarke:** Yukon government’s intent has always been that businesses need to be registered and officially listed under the Yukon First Nation business registry to be eligible or qualify for bid value reductions. This intent is expressed in various documents, including the [yukon.ca/growing-together](http://yukon.ca/growing-together) page, the Yukon First Nation business registry guide to applicants, and in Government of Yukon’s tender documents. Specifically, our tender documents are drafted to state this requirement for procurements. It came to light during the recent judicial review that the language of the policy might not be clear enough regarding this requirement.

We are working to clarify this issue, and we plan to update the language in the policy to make it clear that being on the Yukon First Nation business registry is a requirement to receive bid value reductions. Any change to this policy is done with Yukon First Nation partners, and we are working closely with them to make this change.

This policy was founded under the values of continuous improvement, and that is what we are committed to doing.

**Mr. Hassard:** Unfortunately, Yukon businesses that are bidding on Yukon government contracts find themselves in a difficult position. They are faced with competing information.

On the one hand, we have the minister and the Department of Highways and Public Works saying one thing — that a business must be on the registry in order to have bid value reductions applied to their bid — and on the other hand, we have a judgment of the Supreme Court of Yukon saying another thing — that a business could qualify for bid value reductions without being on the registry.

Yesterday, the minister made it clear that his view is that the current rules should prevail. So, I would like the minister to clarify: Does he really think that it is wise to direct Yukon businesses to disregard the March 8 judgment of the Supreme Court of Yukon?

**Hon. Mr. Clarke:** As I indicated numerous times yesterday afternoon, the matter is still before the court and there is no final decision. However, the matter before the court has shown us an opportunity to strengthen the policy to meet the goals of creating economic opportunities for Yukon First Nation governments and businesses.

While we intend to clarify the requirements to be on the registry to receive bid value reductions, there are many other documents, which I went through in some detail yesterday and am prepared to go through again this afternoon, such as the guide to applying for the registry and the tender documents that clearly state this requirement. There has been documented consistency when implementing the policy and its intention.

Like I have said before, we are seeing success stories, and the policy works.

I look forward to continuing to build a strong Yukon First Nation procurement policy that will help us achieve our goals of creating better economic opportunities for Yukon First Nations. We are still awaiting the final outcome from the court, and we will have greater clarity on the path forward at that time.

**Mr. Hassard:** From my review of the Bids and Tenders website, there are at least two tenders closing today. They both include a requirement that a business must be on the registry in order to qualify for the bid value reductions. This is directly contrary to arguments of the Yukon government’s lawyer and the Supreme Court of Yukon.

So, can the minister provide some clarity for these businesses that will be placing bids later today? Should they follow the judgment of the Supreme Court of Yukon or should they follow the advice of this minister?

**Hon. Mr. Clarke:** Since we started implementing the policy, we have been working closely with Yukon First Nation governments and industry to ensure its success. There is a suite of tools within the policy that create opportunities for Yukon First Nations and industry. We are starting to see businesses use these tools to be successful in the government procurement process.

I would love to share some of the good news stories from that policy so far. In 2022, the demolition of Macaulay Lodge was awarded to a local First Nation business based in Teslin. Without bid value reductions, they would not have been the successful bidder. This project went extremely well and directly benefited a Yukon First Nation business. This is one of 17 tenders that have been reranked due to bid value reductions.

Since the inception of this policy, 7.8 percent of contracts measured by dollar value were awarded to Yukon First Nation businesses. This represents approximately \$48 million of the Government of Yukon's approximately \$617-million expenditure. So, Mr. Speaker, clearly there is still work to be done.

Industry and other non-governmental organizations are accessing the Yukon First Nation business registry to buy goods and services. Right now, we have 110 businesses on the registry. As I indicated numerous times last afternoon, the current bidders must comply with the bids and tenders as they

**Speaker:** Order, please.

**Question re: Yukon First Nation procurement policy**

**Mr. Dixon:** Since the judgment on the Yukon First Nation business registry was delivered by the Yukon Supreme Court on March 8, the Yukon government has continued to issue tenders. Those tenders continue to contain language that is specifically contrary to the arguments of both the Yukon government's own lawyer and the judgment of the Supreme Court justice.

So, why does the Government of Yukon continue to use language in its tenders that is directly contrary to the judgment of the Supreme Court, the arguments of the Yukon government's own lawyer, and their own policy?

**Hon. Mr. Clarke:** I will repeat myself for the benefit of Yukoners and contractors who are listening today.

The Yukon government's intent has always been that businesses need to be registered and officially listed under the Yukon First Nation business registry to be eligible or to qualify for bid value reduction.

The intent is expressed in various documents, including on [yukon.ca](http://yukon.ca) and the [yukon.ca/growing-together](http://yukon.ca/growing-together) page, the Yukon First Nation business registry guide to applicants, and in Government of Yukon's tender documents.

Specifically, our tender documents are drafted to state this requirement for procurements as they are currently. As I indicated previously, it came to light during the recent judicial review that the language of the policy might not be clear enough regarding this requirement. We are working to clarify this issue, and we plan to update the language in the policy to make it clear that being on the Yukon First Nation business registry is a requirement to receive bid value reductions. Any change to this policy will be done with Yukon First Nation partners, and we are closely working with them to make this change.

The Yukon First Nation procurement policy was founded under a value of continuous improvement, and that is what we are committed to do.

**Mr. Dixon:** Since we have raised this issue in the Legislature and it has come up in the courts, we have heard from several contractors that have previously applied to be listed on the business registry but were denied. Now that the Supreme Court of Yukon has found that the process by which a business becomes listed is flawed — and the entire registry's

purpose is “unclear”, in the words of the justice — those other businesses could be considering further legal action.

Is the minister at all concerned that continuing to include language in government tenders that is inconsistent with both his own policy and a judgment of the Supreme Court of Yukon will expose Yukon government to further legal action?

**Hon. Mr. Clarke:** First, this matter is still before the courts. There is a follow-up hearing that is scheduled for March 29, so there are no final findings in this matter. As I indicated at some length yesterday afternoon, once those findings are received, they will be reviewed and, of course, will be persuasive.

But, once again, the Yukon government's intent has always been that businesses need to be registered and officially listed under the Yukon First Nation business registry to be eligible or qualify for bid value reductions. There is absolutely no change in the procurement process.

The intent is expressed in various documents that I have indicated. Our tender documents are drafted to state this requirement, and they continue to state this requirement for procurements, including current procurements. We are working to clarify this issue, and we plan to update the language in the policy to make it clear that being on the Yukon First Nation business registry is a requirement to receive bid value reductions.

As I indicated in my prior responses, this policy was founded under the value of continuous improvement, and we are committed — with our First Nation partners, self-governing First Nations, and all Yukon contractors — to engage in continuous improvement.

**Mr. Dixon:** The minister has made it clear that the Yukon First Nation business registry is both essential to the administration of the First Nation procurement policy and, in his words, the “foundation” of the bid value reductions. So, it is both essential and foundational, according to the minister. However, in the March 8 judgment, the Supreme Court of Yukon found that — and I quote: “... the process had not been thought through sufficiently.” The justice went on to say — and I quote: “The process was flawed and opaque and was not fair.”

What does it say about the government's policy that the Supreme Court of Yukon has found that the foundation of this policy is flawed, opaque, and unfair?

**Hon. Mr. Pillai:** Again, I commend the minister and the department to be undertaking this work to look at how to monitor and adapt the policy. Also, I would just make the comment that it has been very clear, as we have heard over the last number of days and during the implementation of the policy, that the Official Opposition is not supportive of this policy.

There is other good work, though, that is underway besides the work that is being done by the minister. We are also looking at increasing our capacity in our workforce. The labour market development unit, again, has been working with First Nation governments and labour market and workforce development projects that will contribute to the implementation of the Yukon's First Nation procurement policy.



Since April 1, 2022, we have committed over \$7 million in labour market activity to support workforce development, with \$1.2 million committed to First Nations and First Nation-serving organizations. Economic Development, again, is working with the Department of Highways and Public Works, as well as the Yukon First Nation procurement policy oversight committees and the Council of Yukon First Nations, to support the implementation of the policy.

An example of this activity directly supporting the policy is a three-year, \$650,000 investment in the Spark project with the Teslin Tlingit Council in support of the Nisutlin Bay bridge project.

Additional activities supporting First Nation workforce development but not directly tied to procurement include: a one-year, \$153,000 agreement with Liard First Nation; \$211,000 agreement, again, on health care careers; and a \$384,000 agreement with Selkirk —

**Speaker:** Order, please.

### Question re: Electrical grid infrastructure modernization

**Ms. Tredger:** This government's plan for reducing the territory's greenhouse gas emissions calls for widespread electrification of Yukoners' lives. Most Yukoners believe that this is a good thing. We must move from carbon-emitting fossil fuels to green electricity for transportation, home heating, and more. Our futures and our children's futures depend on it.

Yukoners are increasingly worried, though, that our infrastructure won't be able to keep up. Outdated power lines and transformers across the territory are creating barriers for Yukoners hoping to purchase heat pumps, electrothermal storage systems, or electric vehicles. We keep hearing stories about Yukoners wanting to upgrade to heat pumps or electric vehicles but having to pay to upgrade their service first. That can cost as much as \$20,000, which Yukoners are being asked to pay out of pocket to upgrade the equipment that is owned and operated by ATCO.

Does the minister think that Yukoners should pay individually for upgrades to ATCO's infrastructure?

**Hon. Mr. Streicker:** Again, just a reminder for all Yukoners that ATCO Electric is a private company. We have a good working relationship with ATCO. I want to thank them for being open. I will take the suggestion from the member across the way and share it, of course, with ATCO Electric.

What I have said, just a couple of days ago in the Legislative Assembly, is that we have a working group comprised of ATCO Electric, Yukon Energy, the Energy branch through Energy, Mines and Resources, and, I believe, the university, as well — but a group of folks looking at how we can make this transition happen more smoothly as we move to more electrification. So, there is work afoot to do this on behalf of Yukoners. I will share the member's suggestion with ATCO on her behalf.

**Ms. Tredger:** The more people who choose to electrify their heating and their cars, the closer the grid gets to failure. The minister said in debate that solving this program is — and

I quote: "... not our direct role..." And we have heard about his hands-off approach again today.

We disagree with the minister. If he thought affordable electricity was not his problem, he wouldn't be funding a \$50-rebate on electrical bills. It is his responsibility to ensure that Yukoners have access to affordable and reliable power. His flagship plan, *Our Clean Future*, is absolutely dependent on Yukoners' ability to access more electricity in the coming years. We know that there is a working group to address this issue, but we don't have any details or a timeline for action.

When does the minister expect to have a strategy in place to upgrade and replace the territory's aging electricity grid?

**Hon. Mr. Streicker:** So, a few things — first of all, the grid is not near failure. So, that is just a poor thing to say here in this Assembly.

I just looked recently — even though we have had the highest growth across Canada, we still are at 93-percent renewables on our grid, and that is because of programs like demand-side management, like the grid-scale battery, like the microgeneration, and like the independent power producer policy. All of these programs are part of the 10-year renewable energy strategy. So, that is the main way in which we are going to grow renewables for our grid. We will also work with ATCO, which is the private sector company that deals with the distribution of that electricity to homes in order to smooth out — because we know that there is this tremendous growth that is happening.

I would just like to say thank you to Yukon Energy and to ATCO for the hard work that they are doing in building that renewable energy system for Yukoners.

**Ms. Tredger:** Well, I am glad that people are working on solutions. Yukoners are worried about the costs that these changes might mean for them as ratepayers. The Climate Leadership Council recommended that the government update the regulations for our utilities so that customers are not responsible for the costs of upgrading their home electrical service. This is a really important recommendation. It is part of the idea of the just transition — that we collectively take responsibility for public infrastructure instead of leaving the bills to individuals.

The Yukon government should be proactive in ensuring that the cost of upgrading our electrical grid does not show up on Yukoners' electricity bills. Whether we like it or not, this transition is necessary and will cost millions of dollars. We need to plan.

So, what is the minister's plan for funding the modernization of our territory's electrical grid in the coming years?

**Hon. Mr. Streicker:** The plan is called the "10-year Yukon energy renewable energy strategy". That is the plan that we have been working from. If the members opposite don't have it, I will happily table it. I think I have already, but that's okay. I can do that again.

With respect to the suggestions from the Yukon Climate Leadership Council, there were a couple of members also on the chamber of commerce energy group, and their suggestion

was that we go to rate hearings more frequently rather than seeing big jumps — that there is a smooth transition.

We have taken all of the Climate Leadership Council's suggestions. We are working to integrate them with *Our Clean Future*. I know that Yukon Energy is also working on updating its 10-year renewable energy strategy. We will continue to work with ATCO Electric as we watch them upgrade their territory-wide distribution network. We will always try to keep costs as low as possible for Yukoners.

So, Mr. Speaker, there are two ways that the infrastructure will be paid for —

**Speaker:** Ten seconds.

**Hon. Mr. Streicker:** Well, thanks, Mr. Speaker. I am happy to answer more questions on this.

#### **Question re: Paid sick leave program**

**Ms. McLeod:** At the post-budget luncheon hosted by the Yukon Chamber of Commerce, the Premier made it very clear that businesses did not need to expect any new costs associated with paid sick leave. Instead, the Yukon government was simply continuing with the paid sick leave rebate program.

So, I have some questions about the Making Work Safe Panel that was co-chaired by the Minister of Community Services. The panel recommended that — and I quote: "Additional options for a 'co-funded' financial support model be explored to help support businesses with the additional responsibilities of paid sick leave."

What is the government's response to this recommendation that came from the panel that was co-chaired by the minister responsible for employment standards?

**Hon. Mr. Mostyn:** The COVID-19 paid sick leave program reflected our government's strong leadership, which guided us through the pandemic and kept our economy strong and resilient and our people safe.

Our approach to paid sick leave sparked national conversations and served as a model for employee support. If there is an opportunity to support workers and businesses, we will take it. We are working, and continue to work, to ensure that all Yukoners benefit from our territory's economic growth. We believe in responsible decision-making that serves all Yukoners. We are committed to supporting Yukon businesses and protecting the health and safety of employees. It is vital that a permanent sick leave program does not harm employers, and we are still working on that program as we speak.

**Ms. McLeod:** The Making Work Safe Panel also recommended: "Mandating a minimum number of days available upfront at the start of employment, with the balance of days made available later." Has this been mandated, and, if so, how?

**Hon. Mr. Mostyn:** We know that workers continue to need leave, and we have extended our paid sick leave rebate into the spring of 2023. From the start of the pandemic to late October 2022, we have spent nearly \$3.5 million on the COVID-19 paid sick leave rebate program, which has been extended again to continue supporting Yukoners.

This program was developed during our pandemic, and it led the country. The Yukon led the country in the provision of

paid sick leave to our citizens during the pandemic — again, another example of this government putting in a nation-leading program that was the envy of most jurisdictions in the country.

As of late October, about 2,500 Yukoners from more than 400 businesses have accessed the paid sick leave rebate program. The Making Work Safe Panel has delivered its recommendations on the development of a paid sick leave program. The work of the panel showed that there was support for a paid sick leave program in the territory. Our government continues to work on options based on the recommendations proposed by the panel.

#### **Question re: Rent control**

**Ms. Clarke:** In November of last year, the Minister of Community Services said this about rent control: "The index is temporary; it will end in January, Mr. Speaker. That is the intent." Anyone who believed the minister's words was disappointed when rent control was actually extended on January 31.

Why did the minister tell Yukoners that rent control would end on January 31 and then turn around and extend it?

**Hon. Mr. Mostyn:** Really, at the heart of the question is all the work that we are doing to make sure that Yukoners have housing and affordable housing. Stable, affordable housing is foundational to the health and well-being of all Yukoners. Meeting increasing housing demands in the territory is not something that any one government or organization can accomplish on its own.

We continue to develop and support partnerships and innovative approaches to address housing needs in the territory. We are working with our partners across the floor, the NDP, on their suggestions. We are implementing a number of them that we have come up with ourselves.

The rent index was a priority for the New Democratic Party, and we agreed to support their policy. We appreciate the willingness of the members across the floor to work together to address housing pressures in the territory, and we are going to continue to work on all fronts to make sure that Yukoners have affordable and accessible housing.

**Ms. Clarke:** In May 2021, the Minister of Community Services said — and I quote: "It will be reviewed on an annual basis, and it is in effect for 20 months."

Why did the minister tell Yukoners that rent control would end in January and then turn around and extend it?

**Hon. Mr. Mostyn:** We were quite open that we had reached a new confidence and supply agreement with the New Democratic Party, and as part of that agreement, the rent index was continued.

Since 2016, our population has grown by 12.1 percent, and housing construction has kept pace. The number of private dwellings has increased by 12.9 percent — \$267 million in residential construction happened in 2021, shattering the 2020 record of nearly \$200 million. This year's budget includes more than \$70 million for housing initiatives across the Yukon. Hundreds of new housing options are either recently complete or currently underway, including the 46-unit Cornerstone community housing development, which provides supportive

housing in Whitehorse — an agreement with the Da Daghay Development Corporation to provide 50 units of housing at the Riverbend development to Yukoners on the Yukon Housing Corporation social housing wait-list. There is a new 10-unit Housing First residence under development in Watson Lake. We have a 47-unit community housing development on 4<sup>th</sup> Avenue and Jeckell Street in Whitehorse, and Normandy Manor has a new 84-unit supportive housing development for seniors in Whitehorse.

I could go on and on, Mr. Speaker. The amount of housing and opportunities that we are creating for Yukoners through our work is tremendous, and I really applaud the work of my colleague in housing and the whole government for their work.

**Question re: Residential Landlord and Tenant Act review**

**Mr. Cathers:** One of the most contentious aspects of the confidence and supply agreement between the Liberals and the NDP is the imposition of a ban on so-called “no-cause evictions”. To do this, the Liberal Cabinet issued an OIC that came into force on January 31 this year. The CASA goes on to commit — and I quote: “This clause will be legislated into the *Residential Landlord and Tenant Act* following a review of the Act.” We have heard from landlords who are wondering what the point of even participating in the act’s review is when the government has already predetermined the outcome — that this clause would be added to the act no matter what they say.

Why is the government pretending to consult when a decision to legislate this clause has already been made?

**Hon. Mr. Mostyn:** I believe that the question is about consultation and why we do it. I think it is very important that we do talk about that today. Our government has been up front about the importance of consultation, and we have undertaken dozens, if not hundreds, of consultations since we began because we have to inform ourselves about some of the pitfalls and benefits that we can do through putting an initiative forward.

I committed to work with the landlords and tenants — all stakeholders — when it comes to housing and rewriting the act. We are going to proceed with that, and we are going to make sure that we are well-informed and speak with our stakeholders as we go through this.

Now, stakeholder engagement is an important initiative for us, Mr. Speaker, because it was not done under the previous government. We have taken great strides to make sure that this is built into our processes, and we are going to continue to do that.

**Mr. Cathers:** Mr. Speaker, consulting after a decision has been made, as the minister is doing, makes a mockery of the whole process. We have heard over and over from landlords, tenants, and others affected by this policy that the results have been anything but positive. According to both the Whitehorse and Yukon chambers of commerce, this is a big concern for the business community. Here is what they said last month: “We are concerned that this environment of weakening property rights will create a barrier to new private investment into the Territory. As a result, there may be a shift in Yukon

businesses and entrepreneurs investing their capital outside of our Territory.”

Scaring away private investment in new housing is very bad policy. We understand that the Liberals have promised to implement this to keep the NDP onside, but why would they legislate this provision into the act and make it permanent?

**Hon. Mr. Mostyn:** Mr. Speaker, what the member opposite is postulating this afternoon is a hypothetical question. Quite frankly, it is a hypothetical question for which he has no idea — no decision has been taken. We are rewriting — we are doing a full review of the act — is certainly on the table. We will commence that work in the coming months — in June. So, in the next six or eight weeks is when that begins, as per the confidence and supply agreement. What that looks like at the tail end of the whole process, which will take probably a couple of years if it is a full act review, nobody in this House knows. Nobody in this House knows entirely what that will look like. This is a purely hypothetical question from the Member for Lake Laberge, and frankly it really is not worthy of a response this afternoon.

**Mr. Cathers:** Wow — that was quite the response from the minister.

Section 4b. of the 2023 Liberal-NDP CASA is actually quite clear. It lays out the parameters of when an eviction is allowed and on what grounds it will be allowed. It commits to a review of the act by June of this year, but for many landlords, the eviction section is one of the most important, yet that section has already been predetermined by CASA and already decided on by this Liberal government. It will be legislated into the act.

So, why would Yukoners waste their time with this Liberal-led act review when the Liberal government has already determined the outcome?

**Hon. Mr. Pillai:** I think what we are talking about — or what I thought we were talking about from the other side — was investor confidence and the ability to bring the private sector in.

First, I think the most confusing fact is — and I believe maybe the Member for Lake Laberge at some other time can clarify this — but we have a lot that is going out — the old Macaulay lot — and the Yukon Party stood up and said not to do that — that we should not have private sector development in that lot. At the same time, the Member for Lake Laberge is standing up today announcing that we are not going to see investment from the private sector and it is going to go elsewhere.

Well, yes, if you don’t give them the opportunity to invest — which we saw for 14 years — there was not an opportunity for the private sector to invest in land development.

So, I am happy to see 5<sup>th</sup> and Rogers out; I am looking forward to a partnership again on Macaulay Lodge, and it is amazing to see the groundbreaking investment that we saw year after year — record-breaking year after year — and that is what the record has been. Those are the facts; that is why our economy is leading the country.

**Speaker:** The time for Question Period has now elapsed.

## OPPOSITION PRIVATE MEMBERS' BUSINESS

**Mr. Kent:** Pursuant to Standing Order 14.2(3), I would like to identify the items standing in the name of the Official Opposition to be called on Wednesday, March 29, 2023. They are Motion No. 609, standing in the name of the Member for Pelly-Nisutlin, and Motion for the Production of Papers No. 6, standing in the name of the Member for Porter Creek Centre.

**Ms. Tredger:** Pursuant to Standing Order 14.2(3), I would like to identify the items standing in the name of the Third Party to be called on Wednesday, March 29, 2023. They are Motion No. 649, standing in the name of the Member for Takhini-Kopper King, and Motion No. 271, standing in the name of the Member for Takhini-Kopper King.

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

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### Bill No. 25: *Act to amend the National Aboriginal Day Act (2023)* — Second Reading

**Clerk:** Second reading, Bill No. 25, standing in the name of the Hon. Mr. Mostyn.

**Hon. Mr. Mostyn:** Mr. Speaker, I move that Bill No. 25, entitled *Act to amend the National Aboriginal Day Act (2023)*, be now read a second time.

**Speaker:** It has been moved by the Minister of Community Services that Bill No. 25, entitled *Act to amend the National Aboriginal Day Act (2023)*, be now read a second time.

**Hon. Mr. Mostyn:** Mr. Speaker, it is my privilege and honour to introduce Bill No. 25, *Act to amend the National Aboriginal Day Act (2023)*. This bill will change the name of the National Aboriginal Day, which has been observed as a statutory holiday in the Yukon since 2017, to “National Indigenous Peoples Day”. The bill will amend the *Employment Standards Act*, the *Interpretation Act*, and the *National Aboriginal Day Act*.

National Aboriginal Day, celebrated on June 21, contributes to reconciliation by allowing all Yukoners the opportunity to recognize and celebrate the rich heritage, culture, and achievements of Indigenous people.

Looking back on the development of this statutory holiday in the Yukon, former NDP MLA Kevin Barr submitted a petition with more than 500 signatures in December 2015 and Motion No. 1039 to make National Aboriginal Day a statutory holiday in the Yukon. The amended motion passed with a request for public input, in particular, on what financial impact there might be on local businesses and labour organizations on their seasonal businesses or companies. The public engagement was conducted from May 15 to July 16, 2016. Local businesses, First Nation governments, development corporations, labour organizations, and the general public were invited to provide feedback.

Mr. Speaker, 88 percent of all respondents agreed to the creation of a statutory holiday to recognize National Aboriginal

Day. Nearly 70 percent of businesses and employers said that they would either be only slightly affected or not at all or, in fact, that they would benefit from the day. With that response, National Aboriginal Day was proclaimed in the spring of 2017 as a statutory holiday in the Yukon.

June 21, 2017, was the first occasion of this day being formally observed in the territory. Soon after, the now contemporary name “National Indigenous Peoples Day”, began to be used. Today, Yukoners are able to celebrate Indigenous peoples’ history, culture, traditions, and continuing contributions across Canada and here at home. This is key to a modern Yukon that can build on its strengths of diversity and inclusivity. The Yukon is leading the way on many reconciliation initiatives, and I believe it is important to continue leading the way in recognizing and celebrating First Nation culture together as a community.

Today, the Yukon and the Northwest Territories are the two jurisdictions that officially recognize this day as a statutory day. I hope this House will approve changing the statutory day’s name which allows us to better recognize and celebrate First Nation heritage and culture that make Yukon the unique place that it is.

**Mr. Dixon:** Mr. Speaker, I appreciate the opportunity to speak to this bill at second reading. The Yukon Party will be supporting this bill. We believe it is a fairly simple change to update the nomenclature of the day and update the legislation in the nominal change that is presented in the bill.

With that, we will have a few questions about the imposition of statutory holidays in general in Committee of the Whole debate. I will note that for the minister so that he can have officials prepare some information about the addition of statutory holidays to those being recognized under this act which we will raise in Committee of the Whole. Other than that, I look forward to voting on this bill today at second reading.

**Ms. White:** Today, in speaking in support of Bill No. 25, I appreciate that the minister brought up the work of my previous colleague Kevin Barr. If we go back in time and we flash back to this Chamber, the conversation around the creation of a National Aboriginal Day was not actually as smooth as one might have expected. I just read a question exchange from December of 2015 with Kevin and the then-Premier of the day and it wasn’t super positive.

So, I do appreciate that, in 2017, the Liberals did make, at the time, National Aboriginal Day a statutory holiday. It followed a lot of the work that my caucus had done in the years leading up to it because we thought it was really important that everyone have the opportunity to celebrate on June 21. We also appreciate the importance of language and making sure that, by changing the language to “Indigenous Peoples Day”, we incorporate all Indigenous folks in the country. We think that’s really important, so we look forward to supporting this bill and hearing the conversations in Committee of the Whole.

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

Does any member wish to be heard?

**Hon. Mr. Mostyn:** I thank the members opposite for their support this afternoon. I look forward to the discussion in Committee of the Whole. I will put it up for a vote.

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

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

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

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

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

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

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

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

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

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

**Mr. Dixon:** Agree.

**Mr. Kent:** Agree.

**Ms. Clarke:** Agree.

**Mr. Cathers:** Agree.

**Ms. McLeod:** Agree.

**Ms. Van Bibber:** Agree.

**Mr. Hassard:** Agree.

**Mr. Istchenko:** Agree.

**Ms. White:** Agree.

**Ms. Blake:** Agree.

**Ms. Tredger:** Agree.

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

**Speaker:** The yeas have it.

I declare the motion carried.

*Motion for second reading of Bill No. 25 agreed to*

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

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

*Motion agreed to*

*Speaker leaves the Chair*

### COMMITTEE OF THE WHOLE

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

The matter before the Committee is continuing general debate on Vote 55, Department of Highways and Public Works, in Bill No. 208, entitled *First Appropriation Act 2023-24*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

### *Recess*

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

### **Bill No. 208: *First Appropriation Act 2023-24* — continued**

**Chair:** The matter before the Committee is continuing general debate on Vote 55, Department of Highways and Public Works, in Bill No. 208, entitled *First Appropriation Act 2023-24*.

Is there any further general debate?

### **Department of Highways and Public Works — continued**

**Ms. Tredger:** I will start by thanking the officials for coming back today and for everyone listening in and helping out from a distance.

I finished up yesterday with a question. I'm really excited that we're back here debating Highways and Public Works, so I will have a chance to ask the same question again and give the minister a chance to respond this time instead of ending the day.

One of the items in *Our Clean Future* was H30, which is to contribute to net 30-percent greenhouse gas reductions from Government of Yukon's building portfolio. That also incorporates two further actions: One is about retrofits to make the buildings more energy efficient, and the other is about switching over to renewable sources or more efficient sources of heat for the buildings.

I am wondering if he could update us. What is the reduction so far over 2010 levels due to all the projects the Yukon government has already done? I am also curious if he knows what they are expecting the total reduction over 2010 levels to be at the end of this next year with all of the projects that they have planned for the coming year. I would be happy if he wanted to break that down by retrofits and heat sources or just as a group. I am happy either way.

**Hon. Mr. Clarke:** I would just welcome to the House — to my right, Deputy Minister Catherine Harwood and to her right, her assistant, Alyson Miller.

We will provide some of the more granular numbers that have been asked in a legislative return, but I have a fair bit of general data, and I also know that our Highways and Public Works — *Our Clean Future* acceleration team — is doing great work, and I look forward to reporting on that as well.

So, H1 is to conduct retrofits to Government of Yukon buildings to reduce energy use and contribute to a 30-percent reduction in greenhouse gas emissions by 2030. That action item is deemed to be on track, and 11 retrofits were completed in 2022.

I take the member opposite's point that the member opposite is looking for data, which we will endeavour to get.

Action item H2 is to conduct energy assessments of Government of Yukon buildings to identify opportunities for energy efficiency and greenhouse gas reductions with the first period of assessment completed by 2025 and the second period completed by 2030. That action item is also deemed to be on

track with 51 energy assessments being completed in 2021 and 30 more assessments completed in 2022.

Action item H10 — these are all with respect to homes and buildings — is to develop and implement a plan by 2024 to conduct routine monitoring of the structural condition of Government of Yukon buildings located on permafrost. That's marked as being on track as well. A tender for monitoring services for Yukon government buildings impacted by permafrost is planned for the spring of 2023.

Action item H13 is to continue to require all new Government of Yukon buildings to be designed to use 35 percent less energy than the targets of the National Energy Code of Canada for Buildings in accordance with the Government of Yukon's design requirements and building standards. Also, H13 is on track. We are continuing to design buildings that exceed our energy performance target. Since 2020, we have designed three buildings that exceeded our energy performance target. These buildings are currently in construction.

There are four more areas here.

Action item H15 is to continue to conduct climate risk assessments of all major projects over \$10 million that are built or funded by the Government of Yukon. Those all seem to be on track. All Highways and Public Works projects over \$10 million require a climate risk assessment, and I can advise that a climate risk assessment was completed for the Kêts'ádañ Kù Burwash Landing school.

H17 is to install renewable heat sources, such as biomass energy, in Government of Yukon buildings by 2030, to create long-term demand for renewable heating and contribute to a 30-percent reduction in greenhouse gas emissions.

It is noted as being on track. There is the completion of the biomass system at Elijah Smith School — which is expected shortly, but here it is showing as "winter 2023" to be completed — and expansion of the district heating system underway at the Whitehorse Correctional Centre. Completion is anticipated for the winter of 2023-24. Engineering work for a biomass system in Haines Junction is expected to commence in the spring of 2023.

I have two more items, and then I can sit down. I have more to report, but perhaps I will leave it at this for now — to implement an education campaign for Government of Yukon building occupants and visitors by 2026 to encourage more energy-efficient behaviours, and an energy-awareness program for building occupants and visitors is in development.

Then, action item H30 is to work with partners to contribute to net 30-percent greenhouse gas reductions from Government of Yukon's building portfolio — also seen as being on track.

Perhaps just finally — and I have talked about this previously in the House — to install renewable electricity generation systems in five Government of Yukon buildings in off-grid locations by 2025 to reduce reliance on diesel-generated electricity. As I indicated previously, construction of solar panel and battery systems at the Klondike and Ogilvie grader stations — the off-grid highway camps on the Dempster Highway — is underway and will proceed through this summer

with anticipated completion for the fall 2023. We hope to work to identify two other off-grid grader station systems for the spring/summer of 2024.

Madam Chair, I know that the Member for Whitehorse Centre asked some specific questions and was asking for some numbers. We will certainly return, as best as possible, with some of the specific questions.

**Ms. Tredger:** Thank you to the minister for that information.

Does the department track, I guess, how many tonnes of carbon are emitted by its buildings — I assume through how much fuel is used through the heating? I am asking because, with a commitment to reducing it by 30 percent, we would need to know what the 2010 levels were in order to know if we were meeting that target. So, I am wondering if that is tracked and is available for 2010 or the more recent years.

**Hon. Mr. Clarke:** Thank you for that question. I may be in a position to answer this question a bit more specifically in my role as Minister of Environment when we have that budget debate, but what I would just say is that we can play a role in reducing the impact of climate change by reducing our greenhouse gas emissions. While the Yukon's emissions are a small part of Canada's total emissions, our per capita emissions are among the highest in Canada. We have committed to an ambitious target of reducing our emissions by 45 percent below 2010 levels by 2030. With transportation and buildings being the highest source of emissions, *Our Clean Future* was designed to reduce emissions in these and other areas. We will continue to build on actions in these areas and work to achieve our ambitious targets.

To support us in determining where to focus our efforts, we track and report on Government of Yukon as well as Yukon-wide greenhouse gas emissions annually. So, I would anticipate that I will be in a position to answer those questions for the member opposite when we debate the Department of Environment.

Last year, our emissions did decrease compared to prior years, and our next update on greenhouse gas emissions will be released in the summer of 2023.

As we have heard from the Minister of Energy, Mines and Resources on a number of occasions, the comparator year is from a non-COVID year into a COVID year. So, in that respect, I accept the proposition that it may not be the most meaningful comparison, but it will certainly be very interesting to see what the numbers are in September of this year. From the Department of Highways and Public Works, I can advise that we do track fuel volumes and usage, but not specifically emissions, so that is not a bad indicator with respect to fuel usage at specific buildings — certainly buildings like Yukon University, F.H. Collins, Porter Creek Secondary School, the court house, or the Whitehorse Correctional Centre.

So, that is likely a pretty good indicator as to where you are at as far as any retrofits or improved heating systems, such as the biomass at Elijah Smith and the biomass at the Whitehorse Correctional Centre as well. I am also advised that there are energy trackers that track usage by building. I don't have the information as to what size of building that tracking

goes down to, but I can certainly try to find that out. I can also determine whether there are any other energy tracking tools.

It seems to me that Highways and Public Works does actively track the fuel usage, so you are tracking the amount of energy required to heat the various meaningful parts of Yukon building infrastructure, and that is a meaningful diagnostic tool.

**Ms. Tredger:** I would be happy to get the information in terms of fuel usage. I am glad to know that is being tracked for the department, because I assume that it is the measure that's going to be used to decide whether we are actually achieving the 30-percent reduction that's committed to — if our fuel usage goes down by 30 percent. So, yes, I would be very interested in those numbers — both what they were in 2010 and where we are at now.

I did notice that when the minister said that our emissions have come down in the last year, I assumed he was referring to the whole territory — unless he meant that the Government of Yukon's emissions have come down, and it would be great to know if that is the case.

What I want to ask about next is — going back to the Yukon Climate Leadership Council's report, they had an item that specifically spoke to H1, which is retrofitting Government of Yukon buildings. So, H1 of the Climate Leadership Council's report, which is entitled *Climate Shot 2030*, says: "For buildings on the power grid, expand OCF Action H1 to include Crown Corporation owned buildings and increase reductions to 75% by 2030 for all government and Crown Corporation buildings."

I know that the formal response to that report isn't coming until August, but I have been told several times that there is work going on with those recommendations, so I wonder if the minister could update me on the work that's going on around that recommendation. Is the department planning to accept it? Have they started work in order to change from a 30-percent goal to a 75-percent goal? Are they planning to include buildings of Crown corporations going forward?

**Hon. Mr. Clarke:** The Government of Yukon has undertaken review and analysis of the 61 recommendations put forward by the Yukon Climate Leadership Council in their *Climate Shot 2030* report. Several of the recommendations have other benefits for the territory, in addition to reducing our greenhouse gas emission projections. Based on our analysis, we are now assessing how best to incorporate the recommendations into *Our Clean Future — A Yukon strategy for climate change, energy and a green economy*. As the member opposite indicated, that final report will be in the mid to late summer.

We recognize and appreciate the significant research and analysis that the Yukon Climate Leadership Council undertook to complete their work. Although the council has completed its report, we continue to meet one-on-one with the council's co-chairs and other members to discuss the recommendations — we did meet with them over the past several months. We look forward to working together to build off the report's recommendations and to continue making progress in meeting the territory's 45-percent emissions reduction target.

I would like to acknowledge the importance of the council's work in supporting the Government of Yukon to reach our greenhouse gas emissions reduction targets. This includes, among other things, developing a reconciliation framework to ensure that the recommendations support reconciliation and a better future for all Yukoners. We are committed to reducing emissions while implementing collaborative, resilient, and equitable solutions to address climate change.

As the member opposite will know — and I think we met by Zoom with this company — Navius Research undertook a third-party analysis of emissions projections provided, and they presented their results to the council in January of this year. My recollection is that HPW can certainly — well, ultimately, in this road map to 2030, HPW, on an all-of-government approach, will be updating it as we go because, candidly, the original road map in 2020, prior to the original confidence and supply agreement, was for a targeted reduction of 30 percent of greenhouse gas emissions from 2010 levels by 2030. So, there are a lot of action items in *Our Clean Future* that are being adjusted as we speak, including the *Our Clean Future* acceleration team. What Navius did identify, however — their view was that the 75-percent reduction would be significantly challenging, and I can receive more information about that.

With respect to the specific question, I am advised that Yukon University and the Yukon Liquor Corporation are already included in the numbers, and we will be expanding to other Crown corporations. So, my recollection is that Navius Research indicated that there may have been some — although there are opportunities, there were certainly challenges that were identified, and a reduction of 75 percent was not seen as being entirely feasible in the mid-term.

But certainly, on an all-of-government basis — which will be Environment, Energy, Mines and Resources, and Highways and Public Works — the review of the *Our Clean Future* document is ongoing. With respect to the all-of-government approach, there will be attempts to identify additional savings, although candidly — and I think this was provided to us in the Navius briefing — a reduction of 75 percent may be significantly ambitious.

**Ms. Tredger:** I have no doubt that a reduction of 75 percent is extremely ambitious, but this government committed in legislation to a 45-percent reduction. They are government today because they agreed to a 45-percent reduction. The minister opposite is a minister because his government agreed to a 45-percent reduction.

So, if we are not going to do the ideas of the Yukon Climate Leadership Council, then what is the plan? What are we going to do instead to get to that 45-percent reduction?

**Hon. Mr. Clarke:** I will, perhaps, be a little bit repetitive, but I can provide some additional information. There is a proposed district heating system at 9029 Quartz Road — looking into a new heating system at the Porter Creek Secondary School. There is the renewable energy feasibility study at 12 locations involving 60 buildings. Three are complete; four are underway. We also have run of river power feasibility studies at multiple locations.

With respect to buildings, building retrofits improve operational efficiency and decrease energy use and greenhouse gas emissions. They also extend the life of our buildings and improve occupant comfort. We view sustainability projects in a holistic manner using a five-pillar framework for assessing and prioritizing work. This framework not only considers the reduction of emissions and cost implications for a project, but it also takes into consideration the human and social impacts. For example, we want people to feel comfortable in our buildings, whether that be through providing more natural light, reducing noise, or considering aesthetics in our infrastructure design. Healthy buildings result in a healthy environment for people working, studying, and recovering in those buildings, which, in turn, contributes to overall wellness.

Retrofit projects are prioritized by assessing our existing infrastructure. These assessments consider factors such as greenhouse gas reduction potential, energy cost-savings, human impacts such as health and wellness, operational improvements, and local economic benefits.

In 2022 alone, we are completing 30 certified energy audits on our high-emission Government of Yukon buildings in Whitehorse. The overall purpose of these audits was to assess the current state of our buildings and determine what retrofit work is needed to make them more energy efficient.

I spoke about the Andrew A. Philipsen Law Centre skylight at some length, but the big, current project will also be the new Yukon University roof, which is a big project that will improve thermal efficiency and, in turn, will reduce the building's greenhouse gas emissions by approximately seven percent.

In 2022 as well, I am pleased to report that nine building retrofits have been successfully completed, resulting in an estimated reduction of 101 tonnes of GHG emissions. While retrofits are essential for meeting emissions targets, it's only one piece of the puzzle. Currently more than 75 percent of energy used to heat Government of Yukon buildings comes from fossil fuels. Making buildings more energy efficient is helpful but not enough. We need to go beyond reducing fuel use; we need also to focus on replacing.

Changing more buildings to other renewable heating sources is the larger, long-term goal, which brings me to biomass. Biomass is an alternative way to heat buildings through the use of wood. Using wood will reduce our need for traditional non-renewable heating fuels like oil and propane that contribute to our emissions.

The Government of Yukon currently heats three buildings through biomass: the Whitehorse Correctional Centre, the Dawson City water treatment plant, and the Dawson City waste-water treatment plant.

As I have indicated previously, we are working on expanding the Whitehorse Correctional Centre's biomass heating system to include the Young Offenders Facility and the newly opened Takhini Haven building. This expansion is expected to reduce the building's total greenhouse gas emissions by 360 tonnes. We are also nearing completion of a biomass heating system at Elijah Smith Elementary School in Whitehorse. The biomass system will offset the school's

propane use and will reduce emissions by an estimated 130 tonnes each year.

Biomass is one of the many ways we are reducing emissions, and I look forward to more projects being announced in the years to come. I anticipate that perhaps we will have some projects that we will be in a position to announce even in the spring and summer of 2023 with respect to some additional, potential biomass projects.

As well, as I indicated previously, I am excited to say that the department is installing renewable electricity systems in five off-grid government buildings over the next three years.

In 2023, we are installing solar and battery energy storage systems at two highway maintenance camps along the Dempster Highway. These camps currently rely solely on diesel generators. Installing a renewable energy system at these sites will allow the generators to run less often. This will replace about 100,000 litres of fossil fuels, further reducing our reliance on diesel-generated electricity. There are at least eight off-grid grader stations, and there is a plan to move down the list and replace grader stations 3 and 4 next year.

As well, there are 12 large feasibility studies to evaluate biomass, microhydro, geothermal, and other renewable energy options at 70 buildings across the territory. These feasibility studies will inform renewable energy initiatives over the next several years, and we are taking action as these studies are completed. As I stated previously, an example of this is the renewable energy district heating system that we are building in Haines Junction. This infrastructure will set us up for future opportunities to connect renewable heating systems to multiple government buildings. Engineering work will begin this spring, followed by construction next year.

So, there are a number of projects that are accelerated. The grader stations are retrofits and the electrification of Yukon highways — but I can certainly continue to answer questions in future contributions that I make to the debate this afternoon.

**Ms. Tredger:** I think we have probably gone about as far as we can go with that.

I am going to switch gears and ask about water delivery in Old Crow. This has been an ongoing challenge for quite a while. I was wondering if the minister could just give us an update on what is happening. What is happening with staffing? What is going on with the situation?

**Hon. Mr. Clarke:** Over the course of the last 18 months or so — I know that this was a joint responsibility of both Community Services and Highways and Public Works. I do recall there being a number of meetings, as well, with the Member for Vuntut Gwitchin on this topic.

At this point, I am advised by my officials that this matter is now solely the responsibility of Community Services, so I am sure that the Minister of Community Services will be in a position to address those questions at some point in the future in this Spring Sitting.

I know that efforts have been made to try to provide reliable water-delivery service in Old Crow. If there are still gaps in service, I am sure that the Minister of Community Services would appreciate hearing about that and continue to problem-solve that matter. I am advised that the transition from



Highways and Public Works to Community Services was complete in September 2022.

**Ms. Tredger:** I will ask my colleagues to follow up with the Minister of Community Services.

I wanted to talk a little bit about the Klondike Highway and the Takhini River permafrost slump. I understand that it is really a matter of time, from what I have heard, until the highway needs to be moved because it is currently on permafrost that is melting. So, I am wondering if there is a plan for when that move should happen or how to deal with that challenge.

**Hon. Mr. Clarke:** Just to clarify — I heard the beginning of the question. This has to do with the significant permafrost slump on the Alaska Highway around the Takhini River area — is that correct?

**Ms. Tredger:** Yes, that is correct — specifically around the Takhini River. I might have said the Klondike Highway, but I think that I meant the Alaska Highway; I apologize.

It is specifically around the Takhini River slump. I know that there are other permafrost challenges and solutions going on farther west of there, but I was specifically wondering about that slump.

**Hon. Mr. Clarke:** The Department of Highways and Public Works is investing in roads across the Yukon to ensure the safety of the travelling public. This year, we are making a substantial investment in the section of the Alaska Highway that is facing increasing risk of permafrost thaw damage. Thawing permafrost in the area is causing the ground to slump, and the affected area has expanded onto the highway right-of-way. The section of highway that we plan to address is near the Takhini River in the Ibx Valley. The department plans to realign the highway away from the active thaw area. We are proactively working to ensure that this reconstruction project is completed as quickly as possible.

As the member opposite well knows, the permafrost underlying the highway is thawing at an increased rate and has resulted in several areas of settlement that affect highway safety and performance. Highways and Public Works is working in collaboration with Yukon University to develop options to make the highway more resilient against future climate impacts. The department has submitted a project proposal to the Yukon Environmental and Socio-economic Assessment Board for review. The application was submitted in March 2023. After this project is completed, we will continue to monitor this area for a number of years.

The project will move the Alaska Highway farther away from the active thaw slump caused by thawing permafrost that is located between the Takhini River and the existing highway in the vicinity. The realignment will protect highway infrastructure and public safety by increasing the buffer between the active thaw slump and the highway. The project is planned to be tendered in June and completed by the fall of 2023. The estimated cost of the project is \$2 million in the 2023-24 budget.

The thaw slump was first identified in April 2019, and since then, it has advanced significantly and now is within the highway right-of-way, as I indicated. Long tension cracks have

formed between the thaw slump and the highway, as close as 20 meters from the road embankment. Highways and Public Works has been working with Yukon University to understand the thaw slump and to develop options for mitigation, including insulation of the head wall, diverting spring water and the consolidation of the sediment debris, and realignment of the highway away from the thaw slump.

An old thaw slump just 200 meters to the south started in 1979 and partially stabilized in 2004. It is possible that the active thaw slump will also stabilize in time. Once the project is completed, the department will monitor the area over a number of years. This project is budgeted for the upcoming fiscal year, and we anticipate and hope that the work is completed by the end of the summer into the fall.

**Ms. Tredger:** Thank you to the minister for that. It is exciting to hear that it is moving along through the YESAA process and moving forward.

The last topic I want to talk about is active transportation. I am wondering what investments there are in this budget for active transportation.

**Hon. Mr. Clarke:** A number of projects that I will point out right now are integrated into bigger projects, so I can certainly endeavour to pull out active transportation components of this item, but I will just point out a few highlights for the benefit of the House.

Active transportation not only helps to support healthy living, but it also supports a cleaner and more sustainable future for the Yukon. The Department of Highways and Public Works is incorporating active transportation options into our infrastructure projects wherever possible.

For example, as part of the Alaska Highway safety improvements through Whitehorse projects, we are constructing a paved multi-use trail along the right-of-way. The Nisutlin Bay bridge project will include a pedestrian walkway both across the bridge and with a trail underneath the bridge that will provide safe all-season access.

Active transportation planning is also incorporated into how we design and build new buildings. For example, with the new Whistle Bend school, we are investing in active transportation by widening the sidewalk to safely accommodate children riding bikes in front of the school. Trails behind the school will be integrated into the Whistle Bend trail system to allow for students to safely commute to school. We will also include pedestrian traffic lights at Olive May Way and Casca Boulevard to make it safer for pedestrians and cyclists.

I have had the benefit of meeting with the City of Whitehorse mayor and council — and certainly hearing from them with respect to their community plan. I know that it is their priority as well, and we will certainly try to support active transportation initiatives where at all possible. The Selkirk Elementary School Council completed a very comprehensive active transportation plan around Riverdale going back into the core, and I certainly commend the Selkirk Elementary School Council for that.

I attended a recent Selkirk Elementary School Council meeting, and they certainly are interested in recognizing the active transportation plan which they have put forward, and I

have certainly advocated for them so that there would be links between the new parking lot, which is planned for the back of Selkirk school, to the City of Whitehorse trail infrastructure. I know that they have also asked to ensure that Selkirk Street has pedestrian access to the school as well.

I am just receiving information from my officials. As I said in my original comments, the budgets specifically for active transportation are subsumed within some of the bigger infrastructure projects, but the member opposite can hear where they have been incorporated.

The Highways and Public Works Aviation branch is in close discussions on trail management from the Black Street stairs to the Alaska Highway. There have also been discussions — from the MLA for Pelly-Nisutlin. I know that Community Services, Highways and Public Works, and Environment are liaising with the community of Pelly Crossing with the possibility of the feasibility of building a new recreational trail in their community.

The member opposite will also have heard that, at the end of last year, in September or October, the connector between Pine Lake and Haines Junction was completed. I was able to attend the opening ceremony with the Member for Kluane and the Mayor of Haines Junction and other community members. That certainly seems to be a very positive piece of community infrastructure for the community of Haines Junction.

Wherever possible, I am open to promoting active transportation for personal wellness and mental health wellness. It's really a win-win for the territory. Wherever opportunities can be identified on an all-of-government basis — whether it is the Department of Environment or Highways and Public Works, Community Services, or even Energy, Mines and Resources — then we should avail ourselves of those opportunities.

**Ms. Tredger:** I will wrap up my questions there for the afternoon. Thank you again to the officials for coming in today. Thank you to the minister, and thank you to everyone at Highways and Public Works.

**Mr. Dixon:** Thank you, Madam Chair. I appreciate the opportunity to return to the issue that I began debate on with the minister yesterday.

So, I will jump right back into where we left off yesterday and start with a question about the department's engagement with the Yukon government lawyer in the Supreme Court of Yukon case *837386 Yukon Inc. v Yukon (Government of)*. Was the Department of Highways and Public Works aware that the Yukon government's lawyer would be making the argument that a Yukon business did not need to be a member of the registry in order to qualify for the bid value reductions?

**Hon. Mr. Clarke:** As the member opposite has indicated, the company has applied for a judicial review of their application being denied to the Yukon First Nation business registry. In the initial hearing on February 9 and in documents dated March 8, the Supreme Court of Yukon commented on some issues and ambiguity in the current policy about the requirement to be on the registry.

Counsel for the Government of Yukon addressed issues with the policy, not the tender documents. Bidders have clarity

in the tender documents that registration is required, in addition to any other project-specific agreements. The court did recognize that the benefits received from the policy are for a good purpose and to ensure that First Nation persons and businesses can fully participate in the economy and receive substantive equality. The judge has requested submissions from the parties involved before making a decision.

A follow-up hearing will be held on March 29. Once the final decision is received from the judge, the Government of Yukon will proceed to implementing any changes to the policy and decide on next steps.

**Mr. Dixon:** Did the Department of Justice seek the input from the Department of Highways and Public Works about the submission that would be made to the court in this matter?

**Hon. Mr. Clarke:** As I have stated previously, the Yukon government's intent has always been that businesses need to be registered and officially listed under the First Nation business registry to be eligible or to qualify for bid value reductions. This intent is expressed in various documents, including the [yukon.ca/growing-together](http://yukon.ca/growing-together) page, the Yukon First Nation business registry guide to applicants, and the Government of Yukon tender documents. Specifically, our tender documents are drafted to state this requirement for procurement. I provided a fair bit of detail on that yesterday, and I can do that again today, if required.

It came to light during the recent judicial review that the language of the policy might not be clear enough regarding this requirement. We are working to clarify this issue, and we plan to update the language in the policy to make it clear that being on the Yukon First Nation business registry is a requirement to receive bid value reductions. Any change to the policy is done with Yukon First Nation partners, and we are working closely with them to make this change. This policy was founded under the value of continuous improvement, and that is what we are committed to doing.

It is unfortunate that the Yukon Party continues to call into question the integrity of the policy that has provided demonstrable and significant benefits to many Yukon First Nation businesses already. They are distracting from the positive impacts already felt and spreading uncertainty where there doesn't need to be that uncertainty. The department has said that they will be taking active steps to make changes to whatever is required to create that certainty of the First Nation procurement policy. This line of questioning demonstrates a desire to undermine the future of Yukon First Nations receiving equity in the Yukon economy.

As I indicated previously, the Monitor and Review Committee meets on a monthly basis and recently released their first annual report on March 15. The report provides over one year's worth of data on the outcomes. The policy is available online at [yukon.ca/growing-together](http://yukon.ca/growing-together). Some of the highlights include: 6.2 percent of the 7,238 contracts that were awarded went to Yukon First Nation businesses; 7.8 percent of contracts measured by dollar value were awarded to Yukon First Nation businesses; 17 tenders were reranked due to the application of bid value reductions. The total value of the contracts awarded was \$48 million, although the total value of contracts awarded

during that time period was in excess of \$600 million. So, certainly, there is still work to be done, but there are indicators that this policy is having a meaningful and significant change. It is creating significant, meaningful, and positive change.

The Yukon First Nation procurement policy positions the Yukon government as a trailblazer in Indigenous government procurement. Through this policy, the Yukon government has committed to providing Yukon First Nation businesses with increased opportunities to participate in the economy and to advance reconciliation. From the beginning, this policy has been innovative, including how it was written. Typically, a policy is drafted by one government, but this policy was drafted by all 14 Yukon First Nation governments and the Government of Yukon. This level of cooperation on a policy was a first for our government and has been a key feature of this policy to this day. I think most people who have worked on this project would say that it has been successful because of this approach.

Overall, the Yukon First Nation procurement policy has been widely praised as a model for other jurisdictions to follow and has opened the door for larger conversations between government, First Nations, and industry on how we can make government procurement benefit everyone.

With any new policy or initiative, it is essential to be adaptable and work toward continuous improvement. As such, we are carefully tracking the outcomes of the policy through the Monitor and Review Committee. The committee has representatives from industry, Yukon First Nations, and the Government of Yukon. They are responsible for analyzing data, monitoring outcomes, and providing recommendations to the Government of Yukon.

They just released their annual report that provides over one year's worth of data on the outcomes of the policy. Furthermore, an independent contractor will conduct a review of the bid value reduction components of the policy this spring. We expect to have the review completed at the end of June 2023.

So, as indicated, there is every intention of maintaining consistency with all bidders and all contracts going forward. Companies that wish to be considered for bid value reduction will have to be on the Yukon First Nation business registry. If there is any ambiguity with respect to all of the underlying components of the Yukon First Nation procurement policy, then we will reconcile that ambiguity.

Earlier today, the Premier mentioned workforce development. This government is proud to financially support the work of Yukon First Nations and businesses to develop Yukon First Nation workers and link those workers to opportunities with bidders on Yukon government projects. I can provide some additional detail on that when I next provide a response.

**Mr. Dixon:** I see we have reached the point in the debate where the minister completely ignores the question and simply reads his notes. My question was very specific, and it was about the interaction between the Department of Justice and the Department of Highways and Public Works. The minister made a very deliberate point of ignoring that question and simply continued with the reading of his notes.

I will move on to a different subject, but, of course, readers of Hansard will review my questions and see the minister's response. Those from the business community who are listening right now to better understand the predicament that we are in will have a chance to reflect on the minister's responses.

I will move on to the business registry. The minister continues to say that the business registry is the foundation of the policy and the process by which we verify what is and what is not a First Nation business. Can the minister describe the verification process that the chamber uses to become listed on the registry, and how would he characterize that process currently?

**Hon. Mr. Clarke:** Mr. Speaker, on December 1, 2021, verified Yukon First Nation businesses started to be listed on the Yukon First Nation business registry. There is a link to the registry under "Doing business" on [yukon.ca](http://yukon.ca). Over 100 Yukon First Nation businesses have gone through the verification process and are listed on the registry. I certainly thank the Yukon First Nation Chamber of Commerce for their yeoman's work over the last year and a half. The Yukon First Nation Chamber of Commerce is the registrar of the registry. The registrar assists Yukon First Nation businesses with the application process and performs the business verifications. The Monitor and Review Committee monitors and assesses the progress of the Yukon First Nation procurement policy in achieving its objectives and provides recommendations to the Government of Yukon.

Mr. Speaker, as we learn more about the policy through implementation, we will continue to review the business definition and verification process with our First Nation partners and the Monitor and Review Committee to ensure that we are meeting the intent of the policy. Over the past year, the Yukon government has received feedback from industry and our Yukon First Nation partners on the "Yukon First Nation business" definition. The feedback focused on ensuring that Yukon First Nation businesses were being properly designated and that the definition of a "Yukon First Nation business" aligned with the —

After a discussion with our First Nation partners, the Yukon government updated the "Yukon First Nation business" definition in February 2022. So, certainly, I think that number now is more like 108 or 110 businesses, so there is certainly a lot of interest.

With respect to the "Yukon First Nation business" definition, if they are applying as a corporation, the corporation is directed to gather the following documents, which include: (1) the certificate of status or entity profile from Yukon corporate online registries; (2) articles of incorporation; (3) unanimous shareholders agreement or bylaws; (4) shareholder registry; and (5) a business licence. For each shareholder that is a Yukon First Nation person, they are directed to provide: (1) their Yukon First Nation citizen card; (2) their Indian status card; or (3) a letter from an authorized official of the Yukon First Nation government; and (4) a consent form for the collection, use, and disclosure of personal information. For each shareholder that is a Yukon First Nation business, submit a separate application.

If they were applying as a partnership — to gather the following documents to upload during the application process: (1) a business licence; (2) a partnership or limited partnership agreement; and (3) shareholder register, if applicable. For each partner that is a Yukon First Nation person — to provide: (1) their Yukon First Nation citizen card, Indian status card — the same as with applying as a corporation; (2) a letter from an authorized official of the Yukon First Nation government; and (3) a consent form for the collection, use, and disclosure of personal information.

If they are applying as a sole proprietorship — to gather the following documents to upload during the business process: (1) a business licence and two certificates of name reservation, if you are doing business under any name other than your given name. If a sole proprietor is a Yukon First Nation person — to provide: (1) their Yukon First Nation citizen card; (2) their Yukon Indian status card; or (3) a letter from an authorized official of a Yukon First Nation government. If the sole proprietor is a non-Yukon First Nation person — provide a letter from an authorized official of the Yukon First Nation government.

If you are applying as a non-profit, you are instructed to gather the following documents to upload during the application process: (1) certificate of status or entity profile from the Yukon corporate online registries; (2) confirmation from legal counsel to the applicant confirming that they have reviewed the membership list and verified that at least 51 percent of members are Yukon First Nation people or Yukon First Nation businesses; and (3) governing documents such as articles, bylaws, constitution, and statements of directors.

The documents are then reviewed by the Yukon First Nation Chamber of Commerce and a decision is made about how the business meets the definition. If approved, the business is added to the registry, and business information is reviewed annually to confirm the continued ability to remain on the registry.

What I would say — and what I have said in the two Question Periods, yesterday in Committee of the Whole, and today in Committee of the Whole — is that this is a trailblazing initiative, trying to raise the socio-economic fortunes of all Yukoners, but certainly specifically Yukon First Nation persons, the 11 self-governing First Nations, and the three *Indian Act* First Nations — to raise their socio-economic prospects. It will always be a work in progress.

What I would say is that, in that spirit, there are project agreements and community development agreements for the Nisutlin Bay bridge. There are project agreements and community development agreements on the Carmacks bypass project, where we have seen Pelly Construction do fantastic work with Little Salmon Carmacks First Nation.

The number of hours set aside for First Nation labour was in the range of 90,000-something hours of labour, and the project has delivered 66,000 or 68,000 hours of labour. So, we are supporting raising the socio-economic prospects of all Yukoners but certainly of Yukon First Nations. We will continue to do so, and we will ensure that the Yukon First

Nation procurement policy continues, and we will make sure that it is as accessible and transparent as possible.

**Mr. Dixon:** I appreciate the minister's expression of his intent. I should note that we have never questioned the intent of the policy; we have questioned the ability of the policy to deliver on that intent. Of course, in reading from the Supreme Court of Yukon from earlier this month, we are certainly not the only ones. In fact, the Supreme Court of Yukon has characterized the process that the minister just described — and I quote: "The process was flawed and opaque and was not fair."

The Supreme Court of Yukon also said — and I quote: "... the process had not been thought through sufficiently." So, it is clear that it is not just us who have concerns with this policy. In fact, the process that is being referenced here by the Supreme Court is what the minister has described as the foundation of the bid value reductions and essential to the administration of this policy.

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

### Point of order

**Chair:** The Member for Mount Lorne-Southern Lakes, on a point of order.

**Hon. Mr. Streicker:** Under Standing Order 19(f), it states that we should not refer to matters that are pending in a court before a judge for judicial determination. I was just looking through this convention. We understand that the Leader of the Official Opposition is reading from that, but we also know that the matter is still before that court and before that judge. So, the point of order is that we should not be discussing matters that are before the judge.

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

**Mr. Dixon:** As recently as yesterday, the minister has noted that the initial decision was issued on March 8, 2023, so this is a decision that is published on the judgment sections of the Supreme Court of Yukon's website. I think that it is very much within the realm of public debate to have this discussion.

### Chair's ruling

**Chair:** Standing Order 19(f) states: "refers to any matter that is pending in a court or before a judge for judicial determination where any person may be prejudiced in such matter by the reference" — so I would just ask members to be cautious during debate.

**Mr. Dixon:** Thank you, Madam Chair, and I appreciate your ruling.

I will say this: I am certainly not the only one who finds that the process is flawed, opaque, and unfair. I think that the minister should be cautious to rely — the fundamental underpinnings of his policy — on such a process, which I would characterize — and others have characterized — as being flawed, opaque, and unfair.

But I will turn to a more specific question in relation to something that the minister said yesterday. In discussion about this matter, the minister noted — and I will quote him from yesterday: "... I have received a briefing from my department

and I have provided direction to my department that, if there is ambiguity to be resolved, then it should be resolved...”

My first question for the minister is this: When did he receive the briefing on this case?

**Hon. Mr. Clarke:** What I can advise is that the First Nation procurement policy file is, as I have indicated over the last two, three, or four legislative sessions, a top priority for the Yukon government, and I am briefed on the First Nation procurement file quite regularly. There are a few concerns that have been raised, but the main concern raised by members opposite is that there be certainty that the Yukon First Nation business — that it is absolutely clear that a Yukon First Nation business must be on the Yukon First Nation registry. I will just repeat again that the Yukon government’s intent has always been that businesses need to be registered and officially listed under the Yukon First Nation business registry to be eligible or to qualify for bid value reduction.

As I indicated yesterday, the intent is expressed in various documents included in the [yukon.ca/growing-together](http://yukon.ca/growing-together) page, the Yukon First Nation business registry guide to applicants, and in Yukon’s tender documents. Specifically, our tender documents are drafted to state this requirement for procurements. It came to light during the recent judicial review that the language of the policy might not be clear enough regarding this requirement. We are working to clarify this issue, and we plan to update the language in the policy to make it clear that being on the Yukon First Nation business registry is a requirement to receive BVRs so that there is no ambiguity or mistaking that policy. Any change to that policy will be done with Yukon First Nation partners, and we are working closely with them to make this change.

As I indicated, this policy is innovative. It involves economic reconciliation, which has been a pillar of our government since 2016. Our government values reconciliation, and we are working with First Nations to honour our commitments. The Truth and Reconciliation Commission defines reconciliation as: “... establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country.” For the Yukon, this means recognizing Indigenous rights, understanding the deep connection of First Nation peoples to the land, and honouring the spirit and intent of the final and self-governing agreements. Reconciliation is a process that involves thoughtful acknowledgement of the past and intentional action to move forward together. We strive to embody reconciliation through collaboration, communication, active listening, innovation, and commitment to continuous learning and improvement. Reconciliation continues to be a key priority for the Department of Highways and Public Works.

Our department is working to advance reconciliation with Yukon First Nations by building strong government-to-government relationships and taking meaningful actions that promote benefits for the Yukon First Nation communities. We are working on several initiatives that we believe will help advance reconciliation and, as I indicated, raise the socio-economic prospects of Yukon First Nation citizens in order to create a brighter future for the territory.

Strengthening relationships with Yukon First Nations has been one of the cornerstone commitments of our government. We work hard to ensure that reconciliation is considered when developing new initiatives and policies. The Yukon First Nation procurement policy, which levels the field for Yukon First Nation businesses and citizens when partaking in government procurements, was fully implemented as of October 2021.

As I indicated previously, there are indicators that the program is achieving its objectives, but it is still early days. Just to be clear, in the annual report, 6.2 percent of 7,238 contracts that were awarded went to Yukon First Nation businesses — 6.2 percent — and 7.8 percent of contracts measured by dollar value were awarded to Yukon First Nation businesses; 17 tenders were reranked due to the application of bid value reduction, including, as I indicated this afternoon, the Macaulay Lodge demolition project. The total value of the contracts awarded was \$48 million, but to put that into context, the total dollar value of contracts awarded during that period was in excess of \$600 million.

The program’s objective is to try to approach 15 percent on the basis of the number of contracts and also 15 percent as measured by the dollar value of contracts. So, there is work to be done.

I am proud to say that the Yukon First Nation procurement policy considers practical ways to implement reconciliation and positions us as a trailblazer — a national leader — in Indigenous procurement.

Our government is immensely proud of the collaborative manner in which the policy was developed. We worked closely together, government to government, to write and implement the Yukon First Nation procurement policy. Our mutual goal was to create a policy that enhances economic outcomes for Yukon First Nation people and businesses and advances reconciliation in several ways. I think we are achieving just that.

For example, as I indicated, over 100 First Nation businesses are now on the Yukon First Nation business registry. This registry helps to facilitate partnerships between First Nation businesses and non-First Nation businesses, and we are seeing success stories of partnerships forming and capacity-building that benefits everyone involved.

These examples are a direct result of our collaboration with partners. Additionally, as part of the implementation of the Yukon First Nation procurement policy, community development agreements are being developed with several First Nations, as I have indicated.

Madam Chair, is it perfect? Absolutely not. We didn’t think that it was going to be perfect, and we knew that it was going to be a work in progress. I am committed to doing the hard work that is required to ensure that this procurement policy meets its intended policy objectives.

**Chair:** Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

The matter before the Committee is continuing general debate on Vote 55, Department of Highways and Public Works, in Bill No. 208, entitled *First Appropriation Act 2023-24*.

Is there any further general debate?

**Mr. Hassard:** Deputy Chair, I would like to thank the officials for being here today to help us get through the rest of the day, discussing some important issues under Highways and Public Works.

Yesterday in Question Period, the Minister of Health and Social Services talked about the need for a smaller space for the COVID vaccination clinic; yet, the government signed a one-year lease at the current location at a cost of \$30,000 a month. I am curious: If the government was looking for a smaller space, why did they in fact sign a one-year lease? Are there provisions in that lease that allow them to get out? Is it a month-by-month lease, I guess, so that if and when they do find a more suitable location, they can get out without costing the taxpayers a bunch of money?

**Hon. Mr. Clarke:** Thank you to the member opposite for the question with respect to the former convention centre, which has been used since early 2000 — well, no, probably later than that, because there were no vaccinations for a while. But, in any event, it has been used for some period of time now as a mass vaccination clinic for the entire Yukon. It certainly has been a very useful space, but I certainly understand the member opposite's points with respect to the fact that it is incumbent upon this current government to seek other space.

So, the up-to-date information that I have, Deputy Chair, is that a replacement space has been identified and located, but it is not quite ready yet. There is a lease extension of seven months from April 1, 2023. I understand the current convention space is also storing a lot of material and furniture that will be redeployed once the new space is available. That is where it is at. It's not an entire year; it's seven months. But I certainly accept the proposition that it is time to consider and actualize moving to a different space.

**Mr. Hassard:** I thank the minister for that. I am wondering if he could provide some information to the House as to where the new location will be for the clinic. Was there an RFP that went out for that space or how did the government determine where they were moving to?

**Hon. Mr. Clarke:** I have been able to receive the information requested by the Member for Pelly-Nisutlin with respect to a new location for a health space. I am sure the Minister of Health and Social Services can advise the House exactly how it will be configured when she debates her budget. The bottom line is that it will be relocated to NVD Place, also known as the "old Canadian Tire building". I wonder how long — I guess it will always be the "old Canadian Tire building". In any event, that's where it's going.

If you work backward, there was an RFP posted in August 2022 and an RFP posted in November 2022 for which there were no responses. Finally, there was an expression of

interest after that for which there were also no responses. Ultimately, there was an advance contract award notice, which, I understand, is a public notice. That is what finally happened.

So, two RFPs — August 2022 and November 2022 — then an expression of interest, no responses, and then there was an ACAN — an advance contract award notice. So, this new dedicated health space — which, of course, will have a vaccination component, I would think — is going to be in the old Canadian Tire building.

**Mr. Hassard:** I appreciate that answer. I wonder if the minister could also provide us with the price tag attached to that space.

**Hon. Mr. Clarke:** Just for the record, I can advise that there were no objections that were raised with respect to the advance contract award notice, so the lease has been awarded at a cost of \$138,000 per year, and the length is four years. I am advised that it will be from the time when the space is ready. If the member opposite wants some particularity or specificity with respect to that, I can certainly get back to the member, but that is the information I have.

**Mr. Hassard:** I thank the minister for that. Yes, I am hoping that they wouldn't be paying for it until it was ready to move into.

Moving on, I had a question regarding the hill at the Lewes River bridge. We have talked about this issue several times here in the Legislature. Obviously, after the tragic accident when Mr. Travis Adams lost his life, we talked about the possibilities of widening and changing the poor viewing on that hill and that corner.

I know that Highways and Public Works has had a contractor out to do initial drilling, so I am just curious if there is any update on that project. Do we anticipate seeing anything happening in the next year or two or whenever? Could the minister provide us with a timeline on when we might see some action in regard to that section of highway?

**Hon. Mr. Clarke:** Just to confirm — but I think that I heard: It is with respect to the Alaska Highway at the Lewes River bridge?

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

**Hon. Mr. Clarke:** Yes? Thank you.

I can provide an update — that is at kilometre 1395, and I know that was the site of a tragic motorcycle fatality, and certainly, my condolences today to the extended Adams family, of course. The project will focus on improvements on the west side of the bridge — the Whitehorse side — where there are limited lines of sight for traffic on the bridge and traffic approaching on Sawmill Creek Road. Work will include lowering the grade of the hill, shifting part of the road alignment, widening the shoulder, and installing barriers.

With respect to budget, \$100,000 is budgeted this year for fiscal 2023-24 for design work, and \$3 million is budgeted for fiscal 2024-25 for construction. That is the plan. I do have a map here, but I am sure that Yukoners can well-visualize that approach. I only hope that the planned work will make this a safer approach and that such a tragic accident doesn't happen again.

**Mr. Hassard:** I appreciate that answer from the minister and I appreciate the commitment to see some action regarding that section of highway.

I had a question from the Member for Lake Laberge. He wanted me to ask about the Takhini River Road and the status of repairs. Obviously, there are issues from top to bottom, I guess we could say — from drainage to the roadbed all the way to the road surfacing. So, if the minister could provide us with an update on when we can see some changes and improvements to that section as well, please.

**Hon. Mr. Clarke:** Thank you for that question from the member opposite. I know that the Member for Lake Laberge is a strong advocate on the Takhini River Road, and we remain in quite regular contact with the MLA. I will provide a bit of an update. I have just asked my officials whether there is anything more recent.

What I can advise the House and the member opposite is that the increased snowmelt and precipitation has contributed to greater wear and tear on the Takhini River Road. The department ensures that the road surface is graded at least twice a year and more frequently as required. Last year, the department installed a wooden deck to allow traffic to cross a very soft spot on the far end of Takhini River Road.

In this fiscal year, the department has spent \$138,000 on maintenance and upgrades to the road. This is a significant investment in comparison to other rural roads of similar standards.

I can advise that Highways and Public Works is working on improving drainage to address erosion issues on the Takhini River Road near its intersection with Gully Road. The department is conducting preliminary design work on the Takhini River Road and is looking at reconstruction alternatives to improve safety and drainage. The reconstruction design will include strengthening road structures, widening the road where it is narrow, installing culvert markers and steam pipes, cleaning and correcting existing culverts, deepening ditches, and correcting soft spots in the road.

Perhaps for the benefit of Yukoners listening this afternoon and reading Hansard eventually, the Yukon government uses a road classification system that considers traffic volumes and socio-economic factors when determining maintenance schedules and planning upgrades. Construction on the road will be prioritized in relation to our overall upgrade priorities. In the meantime, we will continue to monitor and provide maintenance as required.

As people will know, due to the topography and silty soil in the area, there are ongoing and significant erosion issues along this road every year during spring runoff and if there are significant rainfall events. The Takhini River Road was built by local residents prior to the 1940s, and development has increased over the years. As I have indicated, this is the ongoing work that we are doing, but the hard-working Department of Highways and Public Works officials certainly are up against it with respect to the historical design of that road.

That is what I have so far. I will just check whether there is anything else. I am just waiting to see whether I can receive a budget amount for this year in the next minute or so.

We are not in a position to confirm the breakdown of the budget for 2023-24, but I certainly can endeavour to provide it.

**Mr. Hassard:** I thank the minister for that. I have some questions about the Copperbelt South section. There are many residents south of Whitehorse who would like the opportunity to cycle or walk to work and walk between the subdivisions as well, but they are wondering about a paved multi-use trail to do so. I am wondering if the minister would consider putting a paved trail in ahead of planned reconstruction, and while we're talking about paving the trail, I am wondering if I could also find out about paving the existing trail by the Pioneer RV Park south of Whitehorse as well.

**Hon. Mr. Clarke:** Yes, I have had the opportunity to meet — thank you for the question, I suppose, from the Member for Copperbelt South via the Member for Pelly-Nisutlin. Certainly, it is our government's vision to be able to, wherever possible, cycle or walk — or however you wish to move yourself and not in a car — safely within Whitehorse and specifically from some of the outlying subdivisions or communities into the downtown core. There are elements in place already, but obviously it is a disconnected network right now. I have met with the City of Whitehorse, and I have met with the Whitehorse Urban Cycling Coalition a few times. I am certainly in favour of this.

Talking to my officials, what they indicate is that — and the Member for Pelly-Nisutlin mentioned this — it is best to construct parallel non-car trails, I suppose, on the side of the Alaska Highway when you are actually doing the road improvements. So, in this case, for this year, if it were possible — Lodestar — so, from the work around the weigh scales. I have late-breaking news here for the House that a trail is planned as part of the Lodestar Lane project. So, that is an example of this occurring contemporaneously with the improvement in the Alaska Highway corridor.

But I think that this government and probably any future governments that are pushing for active transportation and reducing greenhouse gases and getting people, where possible, out of their cars or single-vehicle-occupant cars — then the vision is really from the Carcross Cut-off to the Mayo Road Cut-off where you would have safe bike — and other — transportation available. As I indicated, there are elements of this, and certainly I am in active conversation with both this department, with Community Services, with the City of Whitehorse, and with Environment to try to actualize this.

So, to answer the Member for Pelly-Nisutlin's question, we will get back to him about the Pioneer RV Park.

The other area requested was whether there was a possibility of there being trail work done where you are not doing concurrent road improvements. But, as I indicated, we are — Cobalt, I think, is finishing the Lodestar project this spring/early summer and a trail is planned in that area which will provide additional connectors to the — hopefully, soon to be reopened — Beringia Centre, the airport, Hillcrest, and Valleyview. I know that there are a lot of keen cyclists who have written to me and whom I have met with in those areas.

So, yes, I think that the officials have the question, and we will get back to the member opposite, but, in principle, I am

very much in favour of any opportunities to create more interconnectedness within Whitehorse for active transportation, general safety — and the challenges of keeping the trails reasonably usable in the winter with our cold weather, blowing snow, and general precipitation, which I have discussions about — at the airport and various other areas. So, we certainly hear about this.

I will finish here shortly, but all I would say is that Yukoners are transitioning and not even that slowly. I believe that the most recent numbers — the Minister of Energy, Mines and Resources can provide them when he is up again — are that I think Yukoners have used something like 750 to 800 rebates for electric bicycles. Of course, there are so many more fat bikes out there than there were even five years ago — but certainly more than 10 years ago. We certainly see Yukoners adopting that mode of transportation. We have also heard sometimes that the cargo e-bikes have supplanted families' second cars. They can carry groceries, and they can transport their children within Whitehorse.

That's a long-winded way of saying that I am very much a proponent of active transportation and am open to identifying whatever opportunities we can while I have the honour of being in this position, whether in Whitehorse or any other Yukon community.

**Mr. Hassard:** Continuing with that section of the community, the roads in the Golden Horn subdivision are in desperate need of repair. We know that there was brushing work completed last year. I am wondering if the minister can confirm if there is, in fact, money in the budget for this year for doing some repairs to those road surfaces in Golden Horn.

**Hon. Mr. Clarke:** Thank you, Deputy Chair, for the time to inquire as to work around Golden Horn.

Just briefly, for the record, there is currently \$525,000 in the secondary road improvement program, which, of course, is not just Golden Horn. This project involves a variety of projects on secondary roads throughout the Yukon that restore the highway's condition to support safe and efficient passage of traffic.

Funds will be used to restore and rehabilitate the highway's infrastructure, including the driving surface, road subgrades, safety barriers, and adjacent drainage structures by crushing aggregate, hauling and placing aggregate, removing existing surface treatments, subgrade repairs, placing drainage structures and channels, replacing and installing guide rails and Jersey barriers, applying dust inhibitors, bituminous surface treatments, and clearing, grubbing, and mowing.

The information that I have — and I can get some more information on this — is that work is planned for some of the roads in the Golden Horn subdivision to rip and reshape the roads this summer. I am likely in a position to provide additional detail going forward. It does sound like some work is planned in the Golden Horn subdivision this late spring and summer.

**Mr. Hassard:** I am wondering if the minister has any information on the overhead sign in the northbound lane south of Whitehorse. I know we have mentioned it a couple of times in the Legislature. We have written a letter to the minister, and

he said that they are working on it, but it has been many, many, many months now, so I am just curious if there are any new updates on when that overhead sign might become functional again.

**Hon. Mr. Clarke:** Digital signs are posted along the highways to advise travellers about road hazards, closures, and construction activities. Currently, there are 46 digital message signs in use across the Yukon, including: 13 fixed signs, including the four cantilevered boards along the Alaska Highway near Whitehorse; 27 portable message boards; and six portable message boards that are primarily used for speed, radar — feedback for drivers.

As the member opposite has correctly indicated, one of the overhead signs is not operational. The department currently has a contractor working to repair the northbound overhead digital message board located south of Whitehorse and return it to normal operation as soon as possible.

The Department of Highways and Public Works has developed operational guidelines to determine what messages are displayed on these signs. The guidelines are based on the Transportation Association of Canada's *Manual of Uniform Traffic Control Devices for Canada*, which outlines best practices for the use of digital highway signs.

When there are no adverse conditions to report, the operational guidelines also help staff to determine when lower priority messages, such as public service announcements, should be displayed.

The digital message signs are part of Yukon's intelligent transportation system. The system includes other devices along the highway that count traffic and collect road temperature data. In October 2021, Highways and Public Works updated the 511 Yukon system so that anytime a digital highway sign displays a message, it is also displayed on 511 Yukon. This provides Yukon with the most up-to-date and accurate road condition information.

Highways and Public Works uses this information to inform highway planning and design to improve safety for all road users. Investment in the Yukon's intelligent transportation system, including digital highway signs, is supported by the federal government's national trade corridors fund, which is also the primary funder of the north Klondike Highway rehabilitation work. The federal government is contributing \$6.9 million and Yukon is contributing \$2.4 million to the system between now and 2028.

In 2022, there were approximately 778 messages displayed across all the fixed digital message signs in Yukon, including any repeated messages. Of these, 255 were unique messages. The total includes the four cantilevered digital signs near Whitehorse, which, on their own, displayed 125 unique messages, with a total of 272 messages throughout the year.

I did respond to the MLA for Copperbelt South, and I do take the Member for Pelly-Nisutlin's point that we certainly would like these repairs to be done sooner rather than later, but that's the most recent information I have, and it's similar to the information that I had when I provided a response to the MLA for Copperbelt South in late January 2023.



**Mr. Hassard:** I guess I could remind the minister that there have actually been 25-percent fewer messages posted than he said there was because obviously 25 percent of the signs don't work.

At any rate, I have some questions for the minister regarding the Whitehorse corridor and what projects are planned for the next few years — and to know where we are at with the top of the south access, what the plans are there, when the government anticipates doing the section from Philmar RV through that top of the south access to the scales where the Cobalt job is currently, which the minister said would be finished this spring and summer. Maybe if we could just get an update on the status of that section of highway and how we see things progressing over the next few years.

**Hon. Mr. Clarke:** The Yukon government is making several safety improvements along the Alaska Highway through Whitehorse. These improvements include removing uncontrolled highway accesses in places and installing pedestrian-controlled traffic lights at crossings to help increase public safety and reduce the risk of collisions. We have already completed several projects along the Alaska Highway including: installing a left-turn light at the Robert Service Way intersection; improvements at the south and north Klondike Highway intersections; improvements to the Range Road intersection, including traffic lights with pedestrian-controlled lights and a paved multi-use trail; improvements at the Hillcrest intersection, including acceleration and deceleration lanes and traffic lights; improvement between Hillcrest and Burns Road, including the addition of street lights, two crossings with pedestrian-controlled traffic lights, a paved multi-use trail connecting to trails going into downtown, and upgrades to the multi-use trail adjacent to the highway.

Public engagement for these projects happened at various times over the last few years and included open houses, pop-up information booths, an interactive website, expert panel discussions, meetings, and presentations. The project teams have met with community associations, pedestrians, cyclist groups, First Nation governments, museums, the City of Whitehorse, and local area businesses.

So, the project that I indicated we hoped to have completed by the late spring/early summer is upgrades between Lodestar and the Whitehorse weigh station. Safety upgrades between Lodestar Lane and the Whitehorse weigh station will include: street light enhancements; two lanes on each side with acceleration and deceleration lanes; durable, high-visibility road paint markings; the construction of the north crosswalk at the Hillcrest intersection; construction of multi-use trails; and improved access to the Whitehorse weigh station. Work on the safety improvements around the Whitehorse weigh station was paused at the start of the winter and, to ensure public safety, the posted speed limit — I am not sure if it is right now, but the indication here is that it is 50 kilometres per hour in both directions. I don't think that it is anymore, but, in any event, it was reduced. The area remains accessible and safe for the travelling public. Street lights along this section were installed this past fall, and they are now operational. Durable, high-

visibility paint was applied from north of Range Road to Lodestar Lane.

We are also continuing to plan for the upgrades between the Robert Service Way intersection and the Philmar RV park. This work includes the potential consolidation of uncontrolled highway accesses and the construction of new frontage roads. I know that I have met with the Member for Copperbelt North and the Member for Copperbelt South as they certainly have an interest in this, and I am certainly prepared to continue to provide information as requested.

Two design options for this portion of the project are being considered, including an improved four-way traffic light intersection and a roundabout. While standard four-way intersections are more familiar to most road users, roundabouts can allow for better traffic flow and improved safety by requiring drivers to slow down as they proceed into and through the intersection. Roundabouts can help reduce the potential points of conflict and collisions and can be safer for pedestrians and cyclists to cross. But that has not yet been decided.

Highways and Public Works held meetings in 2021 with local business owners, adjacent property owners, and the City of Whitehorse to share conceptual designs. The Yukon Environmental and Socio-economic Assessment Board has completed its review and issued a decision document. The water licence and heritage study are in progress. Based on comments received, the department is reviewing design options that would best address public concerns while still upholding highway safety priorities and limiting environmental impacts to McLean Lake Creek. The final design plans will be communicated to the public once they are determined.

I know that the Member for Porter Creek North had a question about the Alaska Highway going through Porter Creek. To help improve safety, a left-turn traffic signal at the Alaska Highway and Wann Road intersection was installed in November 2022. I know that the Member for Porter Creek North and the Member for Copperbelt North were interested in that being expedited. I did make best efforts to do so, and it appears that it was installed.

Highways and Public Works met with the affected businesses and residents in the fall of 2020 to discuss plans for this project in Porter Creek. The project was also open for public comment on YESAB's project registry site in 2021. The department met with the City of Whitehorse and the Ta'an Kwäch'an' Council in September 2022 to discuss the impacts of the frontage roads connecting Birch Street with the Wann Road intersection and the MacDonald Road intersection. We will be sending out letters to residents and businesses in Porter Creek with an update on this project in late March of this year. Highways and Public Works will hold an information session with the Porter Creek community before proceeding with construction.

Just briefly, in the final 30 seconds — with respect to the Alaska Highway in Whitehorse, \$8.5 million this year, \$4.25 million in 2024-25, \$6 million in 2025-26, and currently \$16 million in 2026-27, \$7.3 million in 2027-28 — so, still significant funds dedicated toward the Whitehorse corridor of the Alaska Highway.

**Mr. Hassard:** I was wondering if the minister could provide us with an update on the Champagne access road. I understand that the Champagne and Aishihik First Nations had written a letter last year, so we are just curious if there is any money in the budget for that road that we could inform them of.

**Hon. Mr. Clarke:** I believe I did correspond with the MLA for Kluane approximately a year ago. At that time, the response was that Highways and Public Works will be conducting an assessment this summer — which would have been last summer, so I can certainly get back to the MLA for Kluane — to determine if the appropriate remedy is to revert back to gravel or to reapply bitumen surface treatment. It is expected that the appropriate remedy will be completed within the next two to three years, which would now be two years. In the meantime, this road will continue to receive pothole repairs.

Just for the record, that is with respect to the Champagne access road. So, I would certainly urge the Member for Kluane — he can certainly correspond or communicate with me and the Highways and Public Works office, and I can provide an update as to where we are at with respect to the Champagne access road — a year having passed now.

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

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

*Motion agreed to*

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

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

*Motion agreed to*

*Speaker resumes the Chair*

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

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

### **Chair's report**

**Ms. Tredger:** Mr. Speaker, Committee of the Whole has considered Bill No. 208, entitled *First Appropriation Act 2023-24*, and directed me to report progress.

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

Are you agreed?

**Some Hon. Members:** Agreed.

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

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

**Speaker:** It has been moved by the Government House Leader that the House do now adjourn.

*Motion agreed to*

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

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

### **The following document was filed March 28, 2023:**

35-1-133

Protection for students, letter re (dated March 28, 2023) from Hon. Jeanie McLean, Minister of Education, to Kate White, Leader of the Third Party (McLean)