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HANSARD

Wednesday, October 17, 2018 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2018 Fall Sitting

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

CABINET MINISTERS

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

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Yukon Liberal Party

Ted Adel	Copperbelt North
Paolo Gallina	Porter Creek Centre
Don Hutton	Mayo-Tatchun

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Yukon Party

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

THIRD PARTY

New Democratic Party

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

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**Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, October 17, 2018 — 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. Frost: I would like to ask my colleagues to help me in welcoming a number of people today. First, I would like to introduce the deputy chief and elder from Vuntut Gwitchin, Esau Schafer and his wife Marion Schafer and, of course, Grand Chief Johnston. Thank you for being here.

We have two other significant elders who are here from my community, Ida Lord and Beverly Bingham. It is really great to have you here. We also have Leonard Linklater, his wife Patti and, of course, Clara Linklater and her daughter Emily; also we have Paige Tizya-Tramm and Matt and Ryan are here supporting her. We're waiting for Councillor Dana Tizya-Tramm to arrive as well. I would also like to ask others to help me welcome Anne Daub and her daughter Samantha, Megan Williams, and Rosa Brown, and David Krutko, a former Member of the Legislative Assembly for the Northwest Territories. We have also Penny Prysnuik and a lot of relatives of the late Joe Linklater. We have his baby sister with us as well, Kathryn Linklater.

Applause

Hon. Mr. Streicker: I'm wondering if we could please welcome back to the Legislature the executive director of the Association of Yukon Communities and past Whitehorse mayor Bev Buckway — and a reminder that tomorrow is municipal elections in the territory.

Applause

Speaker: Are there any further introductions of visitors?

Tributes.

TRIBUTES

In remembrance of Joseph Linklater

Hon. Ms. Frost: I rise today on behalf of my colleagues in the Legislative Assembly to pay tribute to the late Joseph Arthur Linklater. He was better known to the Vuntut Gwitchin and many around the circumpolar world as Chief Joe Linklater. Many Vuntut Gwitchin affectionately referred to him as "my chief."

To his many nieces and nephews, he was "Uncle Joe". To his cousins, he was sometimes referred to as "Joey".

Joseph Arthur Linklater was the youngest child born to Emily and Charles Linklater. His early years were spent in Inuvik, and once his father Charles retired, the family moved to the Yukon, where his father was from. Chief Joe Linklater attended high school and Yukon College here in Whitehorse, where he studied carpentry, northern resources and First Nation management.

His Tetlit Gwich'in and Vuntut Gwitchin families helped him to understand the values of the land, the water and the wildlife. He spent much of his youth at the fish camp at the mouth of the Peel and Tetlit Gwich'in country. Many times he visited Old Crow during the summer months and was introduced to his Giwich'in culture and traditional teachings, where he was given an education on the subsistence lifestyle of the Gwich'in people. Joe and his family spent many vacations in Old Crow where he got to know the Vuntut Gwitchin people, and that is where he spent the remainder of his years.

When Joe began his work for the Vuntut Gwitchin, he received support and guidance from his Auntie Lydia Thomas as well as John Joe Kyikavichik, Alfred Charlie, the Rev. Dr. Ellen Bruce, my dad, Donald Frost, my uncle Stephen and many others.

They helped shape his vision for Vuntut Gwitchin through education, especially cultural and land-based. A stronger, healthier community emerged from his teachings. Chief Joe Linklater served the Vuntut Gwitchin first as a counsellor in 1996 and as chief for 16 years from 1998 to 2010 and again from 2012 to 2014.

He was an advocate for the ongoing political evolution and advancement of self-government for Yukon First Nations in partnership with other Yukon First Nations as well as other orders of government.

In an interview in 2011, Chief Joe Linklater stated: "... self-government is not just for aboriginal people. Self-government is for all people, and I'm really excited to see how we develop as a society in the Yukon as a result..."

He helped to significantly advance and stabilize self-governance for Vuntut Gwitchin First Nation. Vuntut Gwitchin was one of the earliest Yukon First Nations to sign a final and self-government agreement in 1995.

Joe was very much a part of the journey to self-determination for our people and for Yukoners. Sorry, it's kind of hard for me — Joe was a very dear friend of mine and we spent a lot of years together. We kind of grew up together, so it's a little difficult for me right now. He spent many years working to implement these agreements.

Chief Joe Linklater believed that all the resources could not be spent on one thing; resources were required to support self-government. His analytical mind went to work. If all of our food, freight and fuel were brought into Old Crow by air, why not own the airline? If the community needed gravel to build and maintain infrastructure, why not own the gravel quarry? These investments meant there were jobs and resources for the programs needed in the community. As a result, Chief Joe Linklater was well-known for his expertise in

establishing and overseeing economic development initiatives and trust structures.

He sat on the National Indigenous Economic Development Board, served as the chair of the Gwich'in Council International, sat on the board of trustees for the Vuntut Gwitchin Trust, the Vuntut Gwitchin Development Corporation, and sat on the board of trustees for the Walter and Duncan Gordon Foundation.

His passion for his people and the land allowed him to serve as an international spokesperson for the high-profile lobbying to protect the Porcupine caribou herd, which calves in the Arctic National Wildlife Refuge and is a primary source of food for the Vuntut Gwitchin people. Chief Joe Linklater helped champion a number of education and capacity-building initiatives, such as the Yukon education reform project, and helped establish many community volunteer groups.

Chief Joseph "Joe" Arthur Linklater was born January 29, 1964, and left us on April 8, 2018 — a life jam-packed into 54 years. He was an impeccable storyteller. He had a great sense of humour. He was loved dearly by the Gwich'in and inspired many young leaders we see in our community today, including me.

Chief Joe Linklater was devoted to the care of and respect for the elders. As Chief Joe Linklater's long-time friend and colleague — and now the deputy chief for Vuntut Gwitchin — Esau Schafer says, he spoke strongly for our community and, with guidance from our elders, he set self-governance in place for our future.

When advocating on behalf of our government, he always carried great respect for the Vuntut Gwitchin First Nation. His office door was always open, and he genuinely listened to the advice and guidance of the elders.

In the introduction to *People of the Lakes*, Joe Linklater wrote that the incredible hardships and toughness of the people were simply a backdrop to the lessons or information they were sharing. It still overwhelms me to think how tough these elders I see today must have been in their prime. Their instincts for survival are still honed and sharp, but now for survival of our culture and history that must be carried on for future generations.

He was known, loved and respected as a visionary leader and fierce advocate for Vuntut Gwitchin self-government, the protection of the Arctic National Wildlife Refuge as calving grounds for the Porcupine caribou herd and indigenous rights and self-determination overall.

In closing, I want to reiterate a true, Chief Joe Linklater motto. He said: "If anyone were to ask me to describe in one word the best advice I've ever received from my parents and Elders, it would be: 'try — just try.'"

Our world is a better place because Chief Joe Linklater shared it with us. Mahsi'.

I wish to thank his family and the community of Old Crow for sharing such an amazing and great visionary leader with all of us and all of Yukon.

Mahsi' cho.

Applause

Speaker: Are there any further tributes?
Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Ms. McPhee: I would like to just take a moment to welcome Patricia Cunning to the gallery. She is the executive director of MacBride Museum of Yukon History. Also, Jud Deuling is here. He is known to me as a constituent but also as a very dedicated teacher at the Individual Learning Centre, a school we are very proud of here in Whitehorse, and I hope he has brought some students with him today.

Welcome to you all.

Applause

Hon. Mr. Silver: I would like to ask my colleagues to help me in welcoming to the gallery today Regional Chief Kluane Adamek.

Applause

Speaker: Are there any further introductions of visitors?

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Streicker: Today, I have for tabling a statement from the US Customs and Border Protection agency, dated October 9, 2018, regarding Canada's legalization of cannabis and crossing the border.

Hon. Mr. Silver: I have a legislative return on the *United States-Mexico-Canada Agreement* for tabling today.

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

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to continue the development of a licensing and regulatory framework to allow for private retail sales of cannabis in Yukon in a timely manner and in a way that displaces illegal activity while protecting public health and safety.

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

THAT this House urges the Minister of Justice to recognize the importance of the RCMP auxiliary constable program, including the key role those volunteers could play in keeping roads safe following the legalization of cannabis, by immediately supporting the implementation of all three tiers of the RCMP auxiliary constable program.

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

THAT this House urges the Government of Yukon to regularly provide up-to-date information regarding confirmed and suspected opioid-related deaths and overdoses as part of a public awareness campaign to end the stigma associated with drug use.

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

MINISTERIAL STATEMENT

Independent power production policy

Hon. Mr. Pillai: Mr. Speaker, I rise in the House today to provide an update on our work on the independent power production policy. I would particularly like to highlight how this work is moving Yukon toward a cleaner and more innovative energy future.

We recently updated the independent power production policy in order to fulfill commitments that our government campaigned on. The main change is that we removed liquid natural gas as a qualifying energy source. Independent power producers will now only be able to use renewable sources for generating electricity. Other important changes ensure rates remain stable for consumers as independent power production projects are implemented.

The updates we have made to the independent power production bring it one step closer to implementation. We will still have work to do, but we are moving steadily forward and anticipate that the policy will be complete and in place by the end of this year.

The independent power production policy is now a true green energy policy. It will allow First Nation governments, communities and entrepreneurs to generate environmentally sound and affordable electricity to meet local demands. This is part of the Government of Yukon's efforts to develop local energy infrastructure and increase the supply of electricity from renewable sources.

We are proud of the territory's existing electrical base, which relies primarily on clean hydro generation. The intent of the policy update is to enhance and encourage more renewable energy projects across Yukon.

Independent power production has proven to be of high interest among First Nation communities and the private sector, which have come forward with multiple projects, including the wind project and solar farm — both projects in Whitehorse — a solar farm project by Vuntut Gwitchin First Nation in Old Crow, the N'tsi wind diesel energy project by Kluane First Nation in Burwash Landing, and, in June of this year, Vuntut Gwitchin First Nation signed a 25-year power purchase agreement in principle with ATCO Electric Yukon for its solar project at the Old Crow Airport.

The purchase agreement is the first of its kind and it is subject to the implementation of the independent power production policy. We anticipate many innovative projects to come forward in the coming years as our economy grows. We offer support to all Yukon communities who are looking to

enhance their renewable energy production or reduce their reliance on diesel generation.

The next steps in implementing the policy include developing a regulation framework, interconnection standards and purchase rates. We are working with ATCO Electric Yukon, the Yukon Energy Corporation and the Yukon Development Corporation on these next steps. We expect this work to be completed by the end of this calendar year.

The Yukon government is achieving and surpassing expectations on implementing various programs and innovations related to energy generation and reducing energy use in Yukon. We have adopted a multi-faceted approach, which includes promoting renewable energy generation, managing electricity and utilities, promoting energy-efficiency initiatives, supporting research and training and demonstrating leadership in the energy sector. We are leading the way in supporting and developing locally sourced renewable energy to meet our growing energy needs and promote energy self-sufficiency.

We are successfully working with First Nation governments, communities, Yukon businesses and individual Yukoners to adopt and implement renewable energy generation projects. Yukon intends to be part of a global shift to address climate change by building resilient communities. We want Yukoners to be part of the solution, whether through larger renewable energy projects for a community or smaller retrofits for a more energy-efficient home.

Yukoners can contribute and support our collective efforts to build healthy sustainable communities and environmentally responsible development in Yukon.

Mr. Istchenko: Thank you for the opportunity to respond to this ministerial statement today, Mr. Speaker.

When I heard that the government was going to do a ministerial statement on the IPP today, I was excited. I thought this was great news in that, after two years of delays, the minister had finally made his decision. He finally was going to announce something, but then we came back to reality.

The government still has no announcement to make on the IPP. The minister has still not made a decision. He anticipates he might have an actual IPP policy at the end of the year, but he won't commit to having it done by the end of the year, but he anticipates it might be done. So I was disappointed when I heard the minister confirm today that they still have not made a decision.

Because of the lack of details for any real new announcement, it's tough to respond to the statement today, but I do have a number of questions for the Minister of Economic Development that I hope he can respond to when he gets back up. As you know, the minister announced in the House last week that the Wolverine mine had been sold. Then yesterday, we saw the company say in the *Whitehorse Star* that they would not comment on this until such time as a deal is finalized. It left us wondering if the minister was authorized to make that announcement, but we do want to know: Would

the IPP provide any opportunities for a mine such as Wolverine?

Further, we're wondering about economic impacts. As you know, in April of this year, the Minister of Economic Development publicly stated that the Yukon had the worst economy in 2016. However, on October 1 of this year, the Premier tabled a document contradicting the minister. In fact, according to that report, the Yukon's GDP grew by 8.3 percent in 2016. Further, according to Statistics Canada, Yukon had the highest growth rate in Canada in 2016. Again, this left us wondering how the Minister of Economic Development could get these numbers so wrong, but perhaps the minister could tell us if he will be bringing forward an economic study of the IPP. Will it contain information on economic benefits of an IPP? Will it show impacts on the GDP? We think this would be a good idea, so I would like to leave the minister with that suggestion.

Another question we have is — Yukon Energy recently installed a third LNG generator at the Whitehorse dam. As you know, a long time ago, the minister mentioned that the Liberals were removing LNG from the IPP. So my question is: Why is the LNG that Yukon Energy burns okay, but the LNG that an IPP would burn is not? It just seems the minister has a double standard here.

Ms. Hanson: Thank you, Mr. Speaker, and I thank you for the opportunity to respond to his independent power production policy update. I was curious when we got the announcement this morning that this was going to be on the table this afternoon — curious because it talks about the fact that the Yukon government has recently updated the independent power production policy and, further, that the updates they have made bring it one step closer to implementation.

My curiosity then led me to go to the independent power production website, which tells me the policy that's on the website is from October 2015. So I'm curious as to what those updates are and when they will be tabled. Other than the welcome deletion of natural gas — I well remember that the original Yukon Party policy spoke about using Yukon's oil and gas resources — there's very little to know about what has changed since 2015.

If the Yukon government has recently updated the independent power policy, as the minister has said, where is it? Who was involved in the process to update and refine the original policy, which was put forward in 2009? It is a policy that, at the time, drew much criticism and subsequently a 2014 draft policy was sent out for consultation, which resulted in an October 2015 "what we heard" document which is now currently on the EMR website. So how does the new as-yet-unpublished independent power policy build on the efforts to get a Yukon independent power policy in place, with efforts dating back, as I said, to 2009?

Which of the constructive comments from the 2015 exercise have been built into whatever the new policy is? Fifty-six submissions were from independent power producers from municipal governments, NGOs, the research community,

individuals, industry users — all those people made submissions for the independent power policy in 2015 — constructive and critical comments.

One of the issues that the minister and I have spoken about a number of times — critical to the success of independent power policy in the Yukon — is still the outstanding matter of the scope and the terms for independent power producer purchase agreements.

There are a number of specific issues raised during the 2015 consultation on independent power production purchase agreements. The minister's statement today does nothing to indicate any movement or greater clarity in the three years since. We do look forward to a full, open debate on the latest draft, whenever it's available, on independent power production policy in the Yukon, and we would like to see that debate in this Legislative Assembly — not simply a proclamation of the policy.

Hon. Mr. Pillai: I want to thank the opposition for their comments today. The reasoning today for this is that a lot of Yukoners are asking where this process is and I felt it was appropriate to give them an update. The member opposite wanted to see a commitment and we're saying that at the end of this calendar year, we will have that work completed. Again, the purpose of the statement is to demonstrate how we're moving Yukon toward a cleaner, more innovative energy future.

We have recently updated the independent power production policy, as we said we would during the 2016 election campaign. We promised to remove LNG from qualifying under the IPP policy, and we've done that. Independent power producers will now only be able to use renewable sources of energy and electricity.

Other important changes, of course — and this is something that the Member for Lake Laberge has touched on, and I'm in agreement — ensure that the rates remain stable for consumers and independent power production projects that are implemented. This was another commitment we made in 2016. We're looking at best practices — and in some cases, worst practices — across the country to learn how to cap how much IPP we will need at this particular time or that we think is feasible, taking into consideration the ratepayers.

It is interesting to hear the Official Opposition and their version of things. The Member for Kluane touches upon the fact that it has been two years. Members across the way walked in with great fanfare in 2015 and announced that this was actually in place — I think it was at the Opportunities North conference. Well, many, many years have gone by. Opportunities North, funnily enough, is back, I think, in the next week, so here we are again taking it out of the "didn't get 'er done" pile and coming back — very similar to another individual across the way who announced at maybe the same conference or at another conference the fact that we had a plan for a fibre line. Mr. Speaker, I can tell you, as the individual responsible, there was no plan.

Once again, we will get this done for Yukoners. I do want to thank the NDP for their support on the change on the IPP policy, and I appreciate the points that were made.

I mentioned also that several projects we are currently working on when it comes to renewable energy — and I'll note that we're doing this hand-in-hand with Dr. Michael Ross at Yukon College. He is their industrial research chair in Northern Energy Innovation — a brilliant fellow. One of my instructions, of course, in my mandate letter was to increase the benefits to Yukon from research conducted in the territory. Of course, the project in Old Crow is a great example of that.

Mr. Speaker, I have just a couple of other points, being respectful to the Member for Kluane concerning the LNG. Yes, we are in a position where we believe that there are some common-sense approaches that we have to do now.

We have a process and a project that went through YESA. It was completed. We have put in a third turbine. We have a short-term approach to make sure that Yukoners are safe and warm and there is electricity in place. In the long term, we are looking at renewable energy. That's part of this IPP conversation.

I have no idea why we're talking about Wolverine and mining, but I can state that the day of our Committee meeting, the Member for Copperbelt South asked for an update. Earlier that day, individuals walked into the Yukon government and said that they were the new owners of Wolverine mine. That information was sent to me. I don't believe that relaying that in the House has done anything inappropriate. That's what they stated and that's what I passed on.

Other than that, I just want to thank Energy, Mines and Resources and Yukon Development Corporation and all of those involved for the great work they have done to get us to where we are.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: School capacity

Mr. Hassard: Yesterday, the Minister of Education said — and I quote: "... accuracy is important to me."

I would like to test the accuracy of some of the minister's statements.

On October 11, the Minister of Education was asked about the growing issue of overcrowding in our Yukon schools and the fact that some families have been forced to home-school their children due to wait lists.

In response, the minister said — and I quote: "... the Leader of the Official Opposition is bringing forward information that I have not been apprised of."

That's very interesting, Mr. Speaker, because according to a *Yukon News* article from last Friday, the Cabinet office was made aware of these specific issues on October 10.

Mr. Speaker, if accuracy is so important to the minister, why did she tell this House that she was not aware of any families having to home-school their children due to wait-lists, even though it is clear that her office knew the day before?

Hon. Ms. McPhee: While I never intend to make my answers with respect to the questions presented in this House personal, it happens to be that on that day I was quite ill. My staff was aware of something that I was not aware of and at the time that I spoke with the *Yukon News* reporter about 2:00 that afternoon in the scrum after the Legislative Assembly — I had not been aware that he had made those requests and that those conversations had happened. I explained that to him and he was surprised by that, but nonetheless, that was what occurred on that day.

Mr. Hassard: We have already highlighted the minister's statement yesterday about accuracy being important to her. She also stated on October 11 that she wasn't aware of any issues with children being on wait-lists. Yet, Mr. Speaker, on September 6, 2018, the MLA for Copperbelt South wrote to the minister to highlight the growing issue of overcrowding.

Just to quote from that letter: "There are nine students from the Golden Horn catchment area on the wait-list, including five for kindergarten."

Mr. Speaker, it's clear that, despite the minister's claims on October 11 about not knowing of these issues, it turns out that she was, in fact, aware. Once again, Mr. Speaker, we're left wondering why, if the minister says that accuracy is so important to her, she is playing fast and loose with the facts. Perhaps the minister can tell us why she took no action to address the wait-list that we made her aware of back in September.

Hon. Ms. McPhee: The assumption is that I've taken no action. That is not, in fact, the case, as the member opposite knows. As I've said on more than one occasion in the last few days in the House — and I'm happy to inform Yukoners again — we work with every family with respect to their interests in having children go to the schools in their neighbourhoods.

It is a situation in the Golden Horn school where kindergarten is, in fact, full. As a result, there is a wait-list. I also know that is a moving list. Not that long ago, a family with four children left the area and then there were spaces that opened up. Of course, the grade that is open in any particular school has to be the grade that a particular family wants. Those two things don't always match up. They do in the vast majority of cases.

In Golden Horn, the most recent number I've seen is between eight and 11 — as it's changing — students who would like to go to Golden Horn, but those classes are — for various reasons, not the least of which is the requirement for the teachers to have only a certain number of students, as well as the facilities in those classes. Unfortunately, that's the situation at Golden Horn as of today.

Mr. Hassard: Last week, we asked the minister what her plan was to deal with overcrowding in schools. She responded by saying — and again I'll quote: "... this is not necessarily a terrible problem to have." The minister doesn't think that having students wait-listed is a problem, so I guess that's probably why she hasn't taken any action.

Let's go back to the minister's statement about accuracy and her claim that she only learned of these problems on

October 11. Mr. Speaker, we've obtained several letters to the minister dating back to December 2017 where the issue of overcrowding was raised directly. I'll quote from one of these letters: "Two kindergarten students living within the catchment area have applied to join Golden Horn Elementary School and have been denied." That's from February, so the minister's claim that she has only heard of these issues since October 11 is not very accurate.

Can the minister please tell us what her plan is to address overcrowding in our schools?

Hon. Ms. McPhee: We're going to have a lot of these conversations. I will stand by my concern that accuracy is critical, especially when I'm giving information to Yukoners on behalf of the departments that I'm responsible for. We're going to have a lot of these conversations if the member opposite thinks and decides that absolutely everything I've ever thought or had to do with education is the date upon which it has come to my attention.

Let's just go here. I work every single day on education issues, every single day on matters that come forward from schools, every single day on the issues that concern Yukoners — the students and their parents. I can also indicate that "overcrowding in schools" is a term that has been brought to me by the opposition and sometimes by the media.

There are issues with the fact that our neighbourhoods are growing and our population is growing. We don't control the way in which families move in and out or the demographics of particular neighbourhoods, but we do work with families every day that they bring a concern to us about having children attend the school that they wish to and that is in their neighbourhood. That has been a challenge with respect to Golden Horn. We are working with Golden Horn, with the excellent school council —

Speaker: Order.

Question re: School capacity

Mr. Kent: In a letter from the Golden Horn Elementary School Council to the Minister of Education, they cite a number of concerns with lack of space in the face of enrolment pressures. We know that the Minister of Education thinks that this isn't a terrible problem to have, but I can assure her that this is a very bad problem for a number of families who are finding their children on wait-lists.

There is a concern that next year they may only have room for one kindergarten class at the school, leaving as many as 20 in-catchment families unable to get their children into the school. They have asked for two portables to be placed at the school for the next school year — an increase of one from their original request in 2017.

Will the minister commit to two portable classrooms at Golden Horn Elementary School for next year?

Hon. Ms. McPhee: I appreciate the question, but this is the second time that only half of the quote that I spoke about a few days ago here — about how it is not a terrible problem to have — of course, the rest of that quote is the fact that our economy is booming and our Yukon population is growing. We have young families living and staying in the Yukon and,

as a result, there are enrolment pressures at our schools. Also, the rest of that quote has to do with the fact that the Yukon Party didn't build an elementary school in this territory when it was their responsibility to do so for over 20 years.

Now, to get to the question, certainly the Golden Horn Elementary School Council has written to me recently. They have focused on some excellent questions. They are all reasonable questions that they brought forward. I can also indicate that they offered that we can work together to find solutions, and I will take the opportunity to say what an important role school councils play, not only in this conversation about education, but in every one.

Mr. Kent: It would be a great opportunity for the minister to back up that commitment to work together by committing to two portables at the school next year, as the school council requested.

Last week, when we asked the minister about the growing wait-list at schools, she said — and I quote: "... this is not necessarily a terrible problem to have." Unfortunately it is for the families who now have their children on wait-lists and are finding themselves having to either home-school their children or make other arrangements.

We hope that the minister has realized that it is a problem and that she will show some urgency and take some action. The council is also asking that the tender for these portables be issued prior to December 31 of this year to allow for contractors to bid on them. Will the minister make that commitment to the school community here today?

Hon. Ms. McPhee: I can indicate that I am pleased to have the letter from Golden Horn Elementary School Council. I want to take the opportunity to say that this school council aspires — and we hope all school councils aspire — to such forward thinking and such forward planning. There have been recent by-elections with respect to school councils, so I would certainly take the opportunity to encourage all community members to take an active role and join their school council. There are still a few vacancies with respect to this really critical part of our school community.

As a result, we have met most recently with the Golden Horn Elementary School Council, and it would not be responsible for me at this point to say what we're going to do with the issues that have presented themselves at Golden Horn, because the school council has written and said that they want to help work on that situation. They have done so well in advance of their concerns for the fall of 2019, and I will definitely take them up on that offer.

Mr. Kent: Those were two relatively straightforward requests from the Golden Horn Elementary School Council. One was that the minister commit to two portable classrooms for next year, and the second was that she commit to tendering those portables prior to the end of this calendar year.

As we have highlighted, despite the Minister of Education's statement that the growing issue of wait-lists at schools is not a terrible problem to have, people are looking to this government to show some leadership. The minister has known about these issues for almost a year and, unfortunately, she has not shown any urgency so far.

The Golden Horn Elementary School Council has requested the minister attend their public meeting in November, which will deal with enrolment pressures and capacity issues at the school. A very simple request to the minister is: Will the minister attend the November public meeting as requested by the school council?

Hon. Ms. McPhee: I can indicate that the deputy minister recently met with the Golden Horn Elementary School Council, that I received this letter yesterday, I think — one day ago. There are a number of requests in that letter and it's appropriate that we carefully consider a response. To do that, we will absolutely commit to working with the Golden Horn Elementary School Council as we go forward. I again want to express my appreciation for, not only their cooperation, but their great example of a school council working together and wanting to work together with its own school community, the administration and the Department of Education to solve these really complex issues.

Question re: Whitehorse Correctional Centre inmates' mental health

Ms. Hanson: The Whitehorse Correctional Centre made national news for the wrong reasons when the use of solitary confinement for an inmate with mental health issues went well beyond what the United Nations considers to be torture. Solitary confinement can have devastating effects on an inmate's mental health and make rehabilitation much harder. In turn, it makes our communities less safe when inmates are released in worse shape than when they went in.

To her credit, this minister finally ordered an inspection of the correctional facility to identify what changes need to take place. In response to a series of damning court judgments, the federal Liberal government has introduced a bill that would eliminate solitary confinement, as we know it, for federal inmates.

Will Yukon's Minister of Justice follow suit and eliminate solitary confinement at Whitehorse Correctional Centre?

Hon. Ms. McPhee: I'm pleased to have the opportunity to address this. It's an important question brought by the Leader of the Third Party.

Of course, there has been a Whitehorse Correctional Centre inspection report. It has been released to the public. Never before has such a report been done under the *Corrections Act*. There are some 40 recommendations in that report. There is also an implementation working group determining how those recommendations should be implemented.

They have expertise on that implementation working group and the authority to speak to whoever they need to, to determine how we can make improvements at the Whitehorse Correctional Centre and to go forward. Yukon will be working to reform separate confinement practices. I was very pleased to see the federal government move yesterday with respect to the jurisdiction of federal prisoners, and we will certainly take that into account in the work of the working group and the

implementation of those recommendations at the Whitehorse Correctional Centre.

Ms. Hanson: The federal government's new law will still allow for inmates who pose a danger to themselves and to others to be separated from the general population, but critically, they will have access to mental health care, rehabilitation programs and a minimum of two hours of human interaction a day.

The federal bill is far from perfect, but it recognizes that our communities are safer when we focus on rehabilitation and mental health, and this should be a priority for Yukon Corrections, but so far, the government's response has been lukewarm to the inspection report on Whitehorse Correctional Centre. Its refusal to commit to eliminating solitary confinement is a key indication of that.

When will rehabilitation be the real focus of our correctional system, and when will Yukon recognize that solitary confinement isn't compatible with rehabilitation?

Hon. Ms. McPhee: I do not disagree with some of the characterizations put forward by the Leader of the Third Party with respect to the importance of dealing with mental health issues for individuals who may be incarcerated, either at the Whitehorse Correctional Centre or elsewhere in Canada. What I can say is that I am not prepared to prejudge how we will implement any of the recommendations put forward by Mr. Loukidelis. I will remind this House that Mr. Loukidelis will be appearing here as a witness — so he will be able to answer any of the questions that they have about his work — that we have fully accepted the recommendations that he has made, going forward, and that we immediately struck an implementation working group with respect to experts in the field. Their task has been one and one only: implement the recommendations, tell us how to best do that, make it Yukon-specific and make it work for Yukoners.

Ms. Hanson: It is hard to believe that there could be a Yukon-specific response to solitary confinement. The case against solitary confinement has been made. The UN Rapporteur on Human Rights, Canada's corrections ombudsman, the Loukidelis report and Yukon court judgments going back to at least 2002 all point to the damaging mental health impacts of solitary confinement. This hinders rehabilitation, which makes our communities less safe.

The federal government isn't exactly the most reactive or adaptable machine, yet somehow they have managed to act faster than this government. This government's reluctance to change policy at Yukon's only correctional centre is embarrassing.

How can the minister justify moving at a slower pace than the federal government, when she is accountable for a single correctional facility?

Hon. Ms. McPhee: I am hoping that I am being clear. There is absolutely no reluctance whatsoever. The report was done as quickly as Mr. Loukidelis could do it. It was released pursuant to the legislation. The working group was struck immediately.

There have been a number of questions with respect to recommendations that have come from that group. We need to rely on the experts in the justice field to help us determine how to implement those recommendations — not whether or not we are going to.

The elimination of solitary confinement and the specifics thereof with respect to the federal government were released exactly two days ago and, as a result, need to be properly reviewed to determine how those might affect the physical facilities that we have here at Whitehorse Correctional Centre and the programs that we need to improve.

Question re: School capacity

Ms. Van Bibber: As we have highlighted today, the Minister of Education has had people telling her through letters about the growing issues of overcrowding at schools going back to at least December of last year.

Just to quote from one letter to the minister on this topic — and I quote: “We also have two in-catchment students who will be in Grade 1 ... that are on a waiting list because we can’t accommodate them.”

So far, we have not seen any action on this file. Last week, we asked the minister to tell us what she was doing to address these issues, and I was surprised also to hear the minister say that this was not a terrible problem to have. I disagree, and I think the minister needs to get on top of her files and start taking action.

Can the minister please tell us how much money will be invested this school year to expand capacity in our schools?

Hon. Ms. McPhee: Earlier in the Sitting, a number of questions involved false information. I think I’ve tried to correct it here today. I certainly had hoped we would see a different tone this week, but I’m happy to answer questions on behalf of Yukoners, despite the fact that they might be quoting me incorrectly or causing concern where issues are, of course, being addressed. Yukoners deserve accurate information. All members of this House should have the responsibility to give that to them.

With respect to enrolment capacity at elementary schools here in Whitehorse, I can indicate that there is definitely an issue with respect to Golden Horn. There are a few families who are on a list who want their children to go to that neighbourhood school. The Whitehorse area has experienced population growth and the demographics in its neighbourhoods are, in fact, changing. The department considers student enrolment to be at capacity when a school has reached 80 percent. Of course, some classes and some grade levels might be at capacity prior to that being the case.

As of this conversation, as of the school year here —

Speaker: Order.

Ms. Van Bibber: Last week, we asked the Minister of Education to tell us how many portables her government will build this year. She told us she could not. There was no plan. Last week, we asked the minister why the government’s tender for portables was unsuccessful. She told us there were no local manufacturers, and that was proven to be incorrect. Last week, we asked the minister if she did an analysis of her

government’s unsuccessful tender to see why no one responded. She did not.

Mr. Speaker, we know the minister does not think overcrowding is a terrible problem, but we are asking her to take action today. Will she agree to meet with local contractors to figure out how we can get some portables built this school year?

Hon. Ms. McPhee: I appreciate the question on behalf of Yukoners, again with several inaccuracies included. I will not use the time here to clarify those, but I urge the members opposite to please provide Yukoners with accurate information — particularly if they are going to quote me.

I will say that I’m working with the Department of Education and the department is working with all departments in the government, including Highways and Public Works, to determine how to address the issue of school children wishing to be at Golden Horn. The portables are an issue — and I will clarify one concern.

My reference last week was to the fact that, in April of 2018, the Department of Highways and Public Works tendered business for a portable to be provided that would have gone to Golden Horn, and nobody responded.

Question re: Ross River School

Mr. Hassard: On October 9, we asked the government if they were renovating or rebuilding the Ross River School. The Premier said at the time, “I don’t think there is anything new to report...” Well, Mr. Speaker, yesterday during Committee of the Whole, the Minister of Highways and Public Works announced in this House that the government has now budgeted over \$3 million to upgrade the Ross River School.

So in just seven days, the government went from nothing new to report to over \$3 million in new expenditures. It seems the government is playing a little fast and loose with the budget here, Mr. Speaker. When we debated the budget in the spring, there was no mention of this \$3 million. There’s no mention of the \$3 million in the five-year capital concept, either.

Mr. Speaker, did the Liberals simply forget to tell us about this \$3 million in the budget this spring, or are they taking this money away from somewhere else?

Hon. Mr. Mostyn: I’m more than happy to take this question on behalf of Yukoners. The Ross River School is an ongoing saga — as the members opposite know, because they wrote some of the script of that school, Mr. Speaker. The school was built on freezing and thawing permafrost — on not great ground. Since then, we’ve spent a lot of money trying to shore up that facility and make sure it works for the students.

I’ve said repeatedly that our goal is to make sure that school is safe and serves the community of Ross River, making sure their students and their teachers are safe in that facility. To do that, we will spend money to make sure that school is safe. Right now, the estimates go that we’ve budgeted \$500,000 — as I said yesterday — in each of the next five years to ensure the structural stability of the school.

We have also scheduled a roof re-shingling in 2021 of \$600,000 and the installation of a paved sidewalk in 2022-23 for somewhere around \$55,000.

So that information is accurate, Mr. Speaker; the members opposite are correct. I'm sure they've done their math. That's what we intend to do, and the reason that we are doing that is to make sure that school serves the community of Ross River and make sure that school is safe for the students and teachers.

Mr. Hassard: I would just start by reminding the minister that this school was actually built by the NDP and opened by a Liberal government. More importantly, I think this just further highlights how useless and ineffective this five-year capital concept is that the Liberals have provided.

Yesterday, the Minister of Highways and Public Works announced over \$3 million in capital work that isn't even in this capital concept. The government claims they want to provide certainty to industry, but the only thing people can be certain of is that they can't trust this document. I would like to quote from the Minister of Highways and Public Works from March 6, 2018, when speaking about the Ross River School: "... we are working with the community to develop that long-term plan. I'm not going to announce it on the floor of the House without actually speaking to the people of Ross River and actually working with them on this plan."

My question is this: Did he actually speak to and work with the people of Ross River on this \$3.1-million long-term plan?

Hon. Mr. Silver: I take issue with the fact that the member opposite thinks that planning for the future is useless. I know his community — between the Teslin Tlingit Council and the Village of Teslin, they have a plan. It's a 10-year plan and I would say that's a great plan. It's flexible and it moves and it breathes and it lives, just like the community does and just like our plan does.

I'm very pleased that the government has delivered on our promise to provide Yukoners with comprehensive information on the government's planned capital investment over the next five years, and this is just one example of our commitment to be open and transparent. Maybe that's not what the Yukon Party wants to see, but this is a transparency that the Yukon communities, municipalities and First Nation governments are all happy with.

The five-year plan signals Yukon government priorities. That's what it does, Mr. Speaker: It signals priorities.

Is it a comprehensive list? No. Is it a list that is going to be set in stone and will not move? No, it's not, nor should it be. We have to make sure we have the ability to move on our feet. We have to be able to use our budgeting process the proper way with our supplementary budgets, and we also have to make sure that Yukoners and Yukon businesses can prepare for the future, and that's what we have done with the five-year plan.

I'm very proud of the work the minister has done with Highways and Public Works on a whole-of-government approach when it comes to this five-year capital plan. When it comes to those plans and also our performance plans, we start

with something and every year we're building on it, and I'm very proud to deliver on that commitment to Yukoners.

Mr. Hassard: I think the Premier had better go back and get a dictionary and learn what "comprehensive" really means, because he kind of contradicted himself a couple of times there.

Anyway, yesterday, the MLA for Copperbelt South asked the Minister of Highways and Public Works for a copy of the geotechnical report for the Ross River School. The minister said he had the report and he has reviewed it personally. He further committed to speaking to the community about the report and making it public. This information belongs to Yukoners, and if the government wants to live up to its commitment of being open and transparent, they should make it public immediately instead of sitting on this report.

My question is: When did the minister receive the report, why has he not already spoken to the community about it and when will he make that report public?

Hon. Mr. Mostyn: I'm not going to sit here on the floor of the House and take advice on access to information from the party that rolled it back. We are going to provide information to Yukoners in a timely manner. I'm going to go and, as I said, the community of Ross River will receive the report in due course. We're working right now to make sure that report goes to the community. We will then make it public to a wider audience, including the members opposite.

I'm more than happy to do that. We have done that with all sorts of reports. We will continue to do that. That's our commitment and that's what we're going to follow through on.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 328

Clerk: Motion No. 328, standing in the name of Ms. Hanson.

Speaker: It is moved by the Leader of the Third Party: THAT this House urges the Government of Yukon to invite Yukon's Information and Privacy Commissioner to appear before Committee of the Whole to address the concerns raised by the Information and Privacy Commissioner regarding Bill No. 24, *Access to Information and Protection of Privacy Act*.

Ms. Hanson: I just have to shuffle my papers. For some reason, the list I got had the motion from the Member for Copperbelt South first, so I was sitting here thinking: "Okay, fine."

Mr. Speaker, it's October 17, so six days ago we debated at quite a bit of length — or discussed — aspects of Bill

No. 24, with particular attention to the issues and the concerns that were raised by the Information and Privacy Commissioner. I won't go over the extensive kinds of conversations that ensued that afternoon. We covered the gamut. I think that it became very clear at the outset that the Minister of Highways and Public Works — and therefore responsible for the second reading debate on the *Access to Information and Protection of Privacy Act* — I just want to say, in summation of that conversation, that we do think of — not quite as theatrically perhaps as he — the notion of the importance of making the changes to the *Access to Information and Protection of Privacy Act* that we see before us.

We thank the government. We did thank the government for taking this legislation out and following through on the commitment that was made in the framework of the legislation for a five-year review that, as we all know and as we said last week, was somewhat delayed. The Information and Privacy Commissioner had provided detailed comments to all members of this Assembly in December 2015 with respect to the need to move forward on that.

We do and did agree that the legislation, as it was amended in 2012, had set back the Yukon in terms of the core principle — the core ideas — that public bodies and governments hold information for citizens. They don't withhold information from citizens.

The core idea that we discussed last week is more the concept, as I had outlined in our discussion last week, that, as the Information and Privacy Commissioner and, indeed, one of the people that she offered to the Yukon — a number of Yukoners participated in a conversation with Toby Mendel from the Centre for Law and Democracy — has an expert who had provided significant ideas in terms of how we make our laws with respect to how we protect the private information and how we ensure that the rights to access information held by public authorities is a key part of the free flow of information.

What I didn't mention last week was the important aspect of this that it is rooted, not just in domestic law, but it is also part of the commitment that Canadian governments have made in terms of our adherence to our commitment to the United Nations *Universal Declaration on Human Rights*, and, in fact, article 19 of that declaration speaks to this very important principle.

Mr. Speaker, the purpose of the debate this afternoon is really about having confirmation from this Legislative Assembly that the Information and Privacy Commissioner appears before this Legislative Assembly prior to third reading of Bill No. 24 to address the concerns — the founded concerns, I believe — raised by the Information and Privacy Commissioner regarding Bill No. 24.

As we said last week, the Information and Privacy Commissioner wasn't out to be unduly critical of the Yukon government or the minister in terms of the legislation that has been put forward. She quite freely commended the government on a number of fronts — and we articulated those last week in debate here in the Legislative Assembly — but

she also said that there still are some significant and real concerns, ones that she feels need to be addressed, as she said in her press release of October 9, before this legislation is put to a vote. As I said last week, I believe that we have the responsibility — indeed, the duty — to hear her out and to get her expert testimony in front of this Legislative Assembly.

Just to recap, the key areas that she indicated — I believe that we need to hear, as I said last week, from the commissioners to articulate what the implications are of us not following the advice based on significant depth of knowledge and research across this country. The Information and Privacy Commissioner didn't make these out of hollow commentary — these are grounded.

When she says that she has a concern that it is up to claimants to go to court if a public body rejects a recommendation made by the Information and Privacy Commissioner, and the fact that she offered some alternatives in language and suggestions during the consultation phase and the fact that neither of the recommendations that she made were accepted — I think this House needs to know why. We need to know what the implications are of what she was proposing and what she sees are the implications of not following through on either of the recommendations that she made to address this very serious issue.

Mr. Speaker, she identifies as well that the information security obligations of public bodies are not contained within the legislation. She says — and I quote: “Ensuring adequate security of personal information is fundamental.” Her concern is that Bill No. 24 doesn't specify the information security controls that a public body must have in place to adequately protect the personal information it holds.

Her concern here is that the government is intending to put that into regulations. As she points out in her notice of October 9, regulations can be easily changed. She believes that “Because adequate security is an essential element to privacy or protection of privacy, these requirements should be embedded within the legislation, rather than in regulations.”

I think that we need to hear from her what the consequences are of following this approach that the government has put in place in the legislation. We need to hear from her before this bill goes to third reading.

It's important that the Information and Privacy Commissioner indicated that she's concerned that the legislation introduces the use of protocols to exercise authority, placing too much power in one person's hands. She says that “Under Bill 24, the Access and Privacy Officer... who is an employee of the Yukon government, can issue and use protocols to define the ‘scope and description of a program or activity of a public body’ and ‘determine when PIAs must be conducted,’ as well as other matters. The APO also has authority to decide whether to accept or reject an access request.”

The Information and Privacy Commissioner has said in her note, “This places a significant amount of power in the hands of a single government employee. The degree to which this power may negatively impact citizens' rights must be carefully considered.”

I would like to know what her advice is and her experiences as she scanned the legislation across the country to understand the implications of that. It doesn't sound too far off from some of the situations that we have seen and experienced over the past several years in terms of that discretionary power. Maybe it's not there now, but it certainly seems to be exercised.

We talked a fair amount last week about the other concern that the IPC had raised as well with respect to how the bill's offence provisions may not be strong enough to encourage compliance. I pointed out to the minister that, in the recently tabled bill with respect to lobbying, the first offence brings with it a fine, I believe, of \$25,000 and a second fine of up to \$100,000.

According to the Information and Privacy Commissioner, "The offence provisions in access and privacy legislation operate as a deterrent to non-compliance." If you don't think there are consequences — and we know this from everyday life. If there is no consequence, why would you care?

She says the threshold in the legislation has been lowered from "willful" to "knowing." She said that is good, but the fines for being found guilty of an offence are too low. So if it is at \$5,000, I would like to know what a reasonable amount is. There is no offence for a public body's non-compliance. This could mean, said the Information and Privacy Commissioner, that the offences in Bill No. 24 may not serve the deterrence function. She did make a suggestion about how you could balance that out by the addition of imprisonment for up to six months if a person is found guilty. Is that something that this House wants to contemplate? What are the consequences?

The Information and Privacy Commissioner also raised a particular concern that there is no offence for failure to notify affected individuals about a breach of privacy. I think this is an important one, Mr. Speaker, that we need to hear from the Information and Privacy Commissioner, because the pervasiveness, as she says, of privacy breaches and the ease with which large amounts of personal information can be breached — she says that for that reason, most modern privacy laws include privacy breach notification provisions, with the failure to notify being an offence. She cites HIPMA as a good example of a good piece of legislation with respect to this.

She also points out in her public notice that the failure to notify individuals about a risk of significant harm can have significant consequences for them. She said under this bill, Bill No. 24, that when a public body fails to meet the obligations, there are no consequences for the public body. She makes a suggestion. I would like to know why — and the implications of her suggestion and her remedy — it should include an offence, when required notification doesn't occur that there has been a breach.

How much more serious can we get in terms of today's world? We talked about this last week. The notion of the pervasiveness of the breach of privacy — when we have the tools to try to staunch that, at least in this jurisdiction, I think

we should avail ourselves of that. We should hear from the Information and Privacy Commissioner to that end.

One of the areas in terms of the theatrics of the minister's response last week were his very strident statements with respect to not strong-arming First Nation and municipal governments in terms of the application of Bill No. 24 to municipal and First Nation governments. As I pointed out to the minister last week, he does have it within his legislative purview to make legislation that does apply to municipal governments. In fact, he started out his very theatrical speech last week referring to himself as that self-ascribed "ink-stained wretch". We were then quite thrilled to see the editorial in Friday's paper quoting back to the minister his very own words and actually contradicting his sentiments with respect to open government and accountability of public governments to the citizens. I'll come back to that in a moment, Mr. Speaker.

The minister and — I think it's incorrect to suggest this, and I will repeat this, because I think it's really important — government may and does have a responsibility to use all of its legislative tools to ensure that, with all citizens, with respect to public bodies — municipal governments that are under the purview of this government — we use what tools we can to facilitate that accountability. That's what it's really all about: accountability.

I did point out to the minister that there's a distinct legal and constitutional framework with respect to the relationship with First Nation governments. If this government was purporting to try to pass legislation — a law of general application, to put it mildly and in a correct way — and if this government was intending to pass a piece of legislation that may have an impact on a First Nation government's legislative powers, they would be required to follow the provisions of the self-government agreement in, I believe, section 13.5.4 that sets that out pretty clearly. You just can't simply say you're going to do it.

However, I think we need to have this in the Legislative Assembly, based on the experience of the Information and Privacy Commissioner and based on the fact that provincial governments across this country have not shied away from ensuring that citizens in municipal governments and local governments have access to information and their private information is protected when it's held by the public government at the municipal or local level.

When the Information and Privacy Commissioner said — and I quote: "In the view of the IPC, municipalities should be subject to this legislation as soon as it goes into effect, given that they are, in essence, public bodies." The definition of public bodies is contained in the legislation — it is imperative, Mr. Speaker.

"Citizens should have the same ability to access information held by municipalities as they do with other public bodies. In addition, municipalities hold a significant amount of personal information that should be subject to the same level of protection as other public bodies. Citizens should be able to exercise their privacy rights in respect of the personal information collected, used and disclosed by

municipalities. Not having municipalities subject to the legislation is a gap that significantly affects the access and privacy rights of Yukoners and others.”

Those are the words of the Information and Privacy Commissioner. When there’s sort of a selective acceptance by a government of principles with respect to what should or should not be included in legislation, when this legislation has been around for many years, and when there have been concerns raised, not just by citizen groups, but by the minister opposite himself with respect to the imperative of that open and accountable level of accountability of public bodies, including municipal governments — if there is a reason why this government chose not to do that, then I think we need to have that conversation and have the Information and Privacy Commissioner explain to this Legislative Assembly, as a whole, the consequences of not including municipal governments.

Mr. Speaker, we don’t want to see this government follow the path of the early 2010s — 2012. We have a chance to do it right. The Information and Privacy Commissioner was asked to provide her comments. This is a government that says it makes decisions based on evidence, on good policy, and that it is open and accountable.

It is to that end that we trust they will be open to having the Information and Privacy Commissioner appear before this Legislative Assembly as a witness on Bill No. 24 prior to us being asked as members of the Assembly to make a final determination in terms of a vote.

Mr. Speaker, I’ll leave it there for now. I had been sorely tempted — it would be great fun — to read into the record the editorial from October 12 in the *Yukon News*, because it was really well written. It was just like the Information and Privacy Commissioner — it did recognize the good elements of the legislation, but it also pointed out — in more direct language, I would suggest, and I would wholly recommend to all of my colleagues here that they read what the editorial writer had to say.

I’m looking forward to the government members opposite and, of course, our colleagues in the Official Opposition supporting Motion No. 328, urging the Government of Yukon to invite Yukon’s Information and Privacy Commissioner to appear before the Committee of the Whole to address the concerns raised by the Information and Privacy Commissioner regarding Bill No. 24, *Access to Information and Protection of Privacy Act*, prior to third reading.

Hon. Mr. Mostyn: Before I get into the meat of this discussion this afternoon, let me say that I love writing editorials and I love reading them. I need not remind this House that information is power.

Accurate information is a gift; it is the most powerful information of all. This is something that we all would do well to remember in these days when spurious, slippery half-truths and innuendo run rampant in our civil and political discourse.

This afternoon, we’ve gathered to debate whether to invite the Information and Privacy Commissioner before us to discuss Bill No. 24, the *Access to Information and Protection*

of Privacy Act. I’m happy to say that, prior to this motion, I had already extended the opportunity to the commissioner, and she graciously accepted. Her date of appearance is in the process of being scheduled. When she appears as a witness, all parties of this Legislature will have the opportunity to discuss matters with the commissioner.

The newly proposed *Access to Information and Protection of Privacy Act* is an excellent, thoughtful piece of legislation, if I do say so myself. It was drafted with care and consideration by many people, including the Information and Privacy Commissioner, after a great deal of research. I’m going to talk about that a little bit this afternoon, because I think it’s important that we get the whole picture of what went in to drafting this 100-odd-page piece of legislation. It’s very complicated and, I would say, elegant.

The drafting of this bill was informed by my colleague, the Minister of Justice, who, in a former life, served as the Yukon’s Information and Privacy Commissioner and knows the legislation, its strengths and its problems very well. She has worked with it; she knows it intimately. She was integral to the drafting of this piece of legislation, as an information and privacy commissioner herself.

This bill was also informed by talented civil servants who researched legislation around the world — in New Zealand, in Great Britain — and across Canada in every jurisdiction. These individuals astounded me with their deep knowledge and tip-of-finger recall of many very tricky and complicated issues. They had looked at best practices and traps that other governments had discovered and then brought that information before us. That work has been done. It was broad, deep and there was a lot of research by many, many individuals coming into this piece of legislation, including the Information and Privacy Commissioner, another Information and Privacy Commissioner and a journalist.

This legislation is about maximizing a citizen’s right to know, giving them as much information as possible while balancing the protection of personal information in a digital age where virtually everything is potentially available. Fortunately, this team of talented people who I referenced earlier proved very capable of having those conversations. They answered the tough questions we posed and helped us through the difficult decisions we found ourselves navigating in the course of drafting and putting together this legislation.

The drafting of this bill was also informed by my experience with access legislation, which dates back to Tony Penikett’s government and the public government act, the precursor to our current legislation. That legislation died in an ignominious fashion before it was implemented, resulting in a revision that was, in my opinion, lesser than its predecessor. That lesser legislation is what we’re currently operating under. It’s the act this Liberal government has decided of fix — has vowed to fix — and that’s what we’re doing.

The Leader of the Third Party has referenced her participation in ATIPP debates just six years ago, and those were significant because they were prompted by a weakening of the existing law — a gross weakening of the existing law.

A former government decided to place unprecedented limits on the public's right to know. We were the only jurisdiction in Canada to remove briefing books from the right of access — the only jurisdiction in the country to do so.

I know that because the paper that I belonged to is fighting to get access to them. We are now, with this bill, reversing that.

Our government is proposing to re-establish the right to request access to information contained in a record for the purpose of briefing the Premier in relation to the formation of a new government.

This government is proposing that briefing a minister in relation to their assumption of responsibilities for a department or corporation be made available. Also, that briefing a minister in relation to a Sitting of the Legislative Assembly — that type of briefing should also be available to the public, whom we serve in this House.

We are also repealing the exception to access to information revealing the consultation and deliberations involving officers or employees of a public body because it is overly broad and included deliberations among employees of a public body. This was, again, an incredible rollback of the public's access to information in this territory — unprecedented in the country. We are going to fix that.

I could go on, Mr. Speaker. I have whole binders — inches and inches thick — that I could go through. This is part of the deliberations that this government took in drafting this piece of legislation.

I would have to go through the Blues to see exactly how the Leader of the Third Party characterized it, but we have listened to the Information and Privacy Commissioner. We have accepted her recommendations — lots of her recommendations from the 2015 report — and also worked with her on this piece of legislation. We are strengthening her role. We are giving her new and hitherto unseen powers in this territory, allowing her office to conduct own-motion investigations, absent of specific complaint. This is new, and was done with the commissioner's input.

We are allowing privacy audits related to protection of personal information, including the public identity service, the management of personal information, or to confirm a recommendation that a department head has accepted. We're going to make sure that she can actually investigate and make sure that has been properly implemented. These are significant powers — powers that have not been seen in the territory before. They are now going to be administered through that office. They were added because we have listened to the commissioner's concerns and accepted them as part of our deliberations — months-long, deep deliberations on this bill.

It bears noting that this act represents a symphony of input, something well beyond the contribution of a single person. The result is a flexible, thoughtful, comprehensive, modern piece of legislation that will rank among the best in the country — I have no doubt about that — and it will fulfill this government's commitment to be more open and accountable.

I want to talk about municipalities for a minute, because the Leader of the Third Party brought it up, and I did mention strong-arming.

I don't think it's too strong actually. I mentioned Mr. Penikett's government back in the early 1990s. It was one of the first governments I had the pleasure of covering as a reporter in this territory, speaking with its ministers and the Premier at the time. At the time, we were going through a thing in this country called Meech Lake — a little bit of constitutional information on the floor of the House today.

At those early discussions, the Yukon didn't really have a seat at the table. We had a federal government that was dictating to us the terms under which we would conduct our democracy in this territory, and he fought to actually have our own say at the table and be able to administer our own affairs as a responsible government. At its heart, I think that's a noble goal. It's something that we should also look to our municipalities and give them that same respect that we demanded the federal government give us in those early days.

Part of doing that is enabling municipalities, encouraging them to come in under this access to information legislation, but not dictating that they will or they must — "Father knows best. We're going to force you into this legislation."

No, no, no, no, no. That's not where I'm from. That's not what I believe in. That's not what former NDP governments used to believe in. Maybe it's different today, and that's a sad day. This Liberal government is not going to do that. We are going to let municipalities, duly-elected governments, do the right thing themselves when they feel they have the capacity and the money and they feel it is right.

I think it's right today. I would encourage every municipal politician to opt in on this legislation. I have made it as easy as possible. One of the things I wanted to make sure is that we had on-ramps so that municipalities or any government could actually adopt this legislation, even à la carte. If they want the privacy elements, they can take that on. If they want the access to information, they can take that on. They can opt in and we will make it as easy as possible — taking on some of that burden for them — but am I going to dictate that they must do that today or next week? No, I'm going to let the responsible duly-elected councillors and mayors come forward and say that this is the right thing for our government now.

As I said, I don't think you will find an argument from anybody on this side of the House that it should be put off. Citizens of municipalities deserve that information. They should be brought in. Their citizens deserve the protections that this legislation will give their citizens' information. Municipalities ignore this at their own peril — at their own peril.

I want to make it as easy as possible for municipalities to come on board. I encourage them to do so immediately. If they want to, they can certainly reach out to us and we'll start looking at how that can be done, but I am not going to force them to do that.

It's the right thing to do — coming on and having good access to information and protection of privacy rules —

absolutely. Do I support them? Absolutely. It's very important and I encourage them to do so, like any responsible government.

This legislation will fulfill this government's commitment to be more open and accountable. It will enable us to modernize information distribution to our citizens — things that are currently restricted. It will enable a more robust management and protection of personal information. It will give the commissioner more power to oversee and investigate information and privacy matters within the government. It will put more information in the hands of citizens faster and more consistently.

I've said before and I'll say it again: this government's information is the citizens' information. They should have it all, except for very limited restrictions. So it will put more information in citizens' hands faster and more consistently, and because of this, it should also reduce the necessity to file access to information requests.

The bill improves access to information and protection of privacy. I look forward to having an all-party discussion with the commissioner on this act. This, too, is part of our commitment to transparency and openness. Yukoners deserve nothing less.

We are, of course, in support of the motion. As I noted earlier, we have already invited the commissioner to appear during Committee of the Whole.

Mr. Hassard: It's a pleasure to rise today to speak to Motion No. 328. I would like to thank the Leader of the Third Party for bringing this motion forward. Obviously we are in support of the motion. We actually intended to bring forward a very similar motion but they beat us to the punch, so we're happy just the same.

I would also like to thank the employees from the Department of Highways and Public Works and Department of Justice for the hard work that they've done in developing Bill No. 24.

I'll be very brief today, but I think that one thing that's important to mention is that it is unfortunate that the government has chosen to stand up today and say, "Oh yeah — by the way, we put this invitation forward and she has accepted." The opposition has every other Wednesday to bring forward motions that they would like to discuss on behalf of all Yukoners, and if the minister already knew that the Information and Privacy Commissioner had agreed to be here, why would he not have informed the House sooner?

I'm sure that the NDP have many other motions on the Order Paper that they feel are important and need to be discussed here in the Legislature for the benefit of Yukoners. While I'm happy to hear that the government is in support of this motion, I think that it's rather disrespectful of the government toward the opposition members to essentially use up a large portion of opposition Wednesdays with what could be considered a history lesson from the Minister of Highways and Public Works.

Mr. Speaker, I do thank the government for agreeing to this motion. I just hope that in the future, if a situation like this arises, that the government would be a little more responsible.

Speaker's statement

Speaker: Just a moment. I take the point of the Leader of the Official Opposition. I'll confer with Mr. Clerk at the end of the day, but it seems to me that, once the Leader of the Third Party has her answer on the motion, the rest of the debate becomes somewhat moot. As I said, I don't recall so far in this Sitting that there have been very many instances where there has been a positive answer to the motion so quickly and so definitively.

As I said, I will confer with Mr. Clerk as to how, procedurally, that would be dealt with perhaps in the future. I am in the House's hands. You can certainly continue with the debate, but the motion is drafted in fairly plain language and it seems to me that the Leader of the Third Party has her answer.

Like I said, to my recollection and my time in the Chair, this may be the first time where we have had a definite answer so quickly in the process of Wednesday private members' business.

In any event, does the Minister of Community Services wish to be heard?

Hon. Mr. Streicker: I just wanted to make a couple of quick comments to help provide information for the Leader of the Official Opposition. First of all, if I could just acknowledge that I am glad to hear that all parties in the House seem supportive of bringing in the Information and Privacy Commissioner. I am also hopeful that this also indicates that the Official Opposition is supportive of the direction that this bill is heading, but I wait to hear their direction.

What I want to say, Mr. Speaker, is that each Tuesday we hear, while we are sitting in this Legislature, what motions are planned to be called. We don't know before. We don't have a sense from the opposition what they plan to call. Once we heard that this was one of the motions that was coming forward, I believe the House Leader reached out to the Leader of the Third Party. I appreciate that, if this hadn't come, that it still would have happened, but I don't think there was anything disrespectful meant there.

Speaker: Is there any further debate on Motion No. 328?

Does the Leader of the Third Party wish to be further heard on this matter?

Ms. Hanson: There are probably other comments I would make, but in order to facilitate the movement of this afternoon's business, I appreciate the fact that the minister has announced here today on the floor that the Information and Privacy Commissioner will appear before the Legislative Assembly. As we talked about it at quite a bit of length last week, and then more briefly this week, this is an important step and I appreciate that. I look forward to having her appear

before us and entering into conversation with all members of the Legislative Assembly. I hope this is not one of those one-sided things where government members remain quiet — that, in fact, all members of the Legislative Assembly are here as MLAs and not as government versus opposition — as we see in other times when witnesses appear.

I look forward to that. I appreciate the commitment that we will have that happen before third reading.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Mr. Pillai: Agree.

Hon. Ms. Frost: Agree.

Mr. Gallina: Agree.

Mr. Adel: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Hassard: Agree.

Mr. Kent: Agree.

Ms. Van Bibber: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. Hanson: Agree.

Ms. White: Agree.

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

Speaker: The yeas have it. I declare the motion carried.
Motion No. 328 agreed to

Motion No. 332

Clerk: Motion No. 332, standing in the name of Mr. Kent.

Speaker: It is moved by the Member for Copperbelt South:

THAT this House urges the Minister of Education, in partnership with all appropriate stakeholders, to conduct a comprehensive review of school busing in Yukon, including but not limited to:

- (1) bus capacity and assigned seating;
- (2) whether the wearing of seat belts by passengers should be mandatory;
- (3) registration process;
- (4) behavioural and disciplinary policies;
- (5) emergency procedures; and
- (6) service areas and standards.

Mr. Kent: It's a pleasure to rise here today and speak to this important topic. It's an important topic. I'm hoping to hear concerns from other members who perhaps listen to their parents, but opposition private members' day and private members' day in general are an opportunity for us to bring forward concerns on behalf of Yukoners or concerns on behalf of our particular constituents.

This is certainly a concern that I've heard a lot of from constituents of mine in the riding of Copperbelt South — particularly those who have children attending the Golden Horn Elementary School. Obviously, there are a couple of big issues for students and parents and staff at that school — one is busing and the other is capacity. We talked a lot about capacity during Question Period, and I'll take another opportunity to talk about that, so it is a pleasure to be able to focus on the busing issue.

I gave notice of this motion on Monday. Some may have thought it was in response to *The Fifth Estate* story that ran Sunday evening and was highlighted on *The National*, but actually this goes back to a bus meeting that was held on April 4 of this year at Golden Horn Elementary School.

I will touch on the minutes from that meeting, as well as *The Fifth Estate* story that aired and the Transport Canada response as well. I'm pleased that the Minister of Education and I — late this morning — worked through an amendment that I believe she will be introducing. We worked on wording and came to an understanding on that amendment and would be happy to support it when the time comes, and I'll have more to say on it when that amendment is introduced as well.

I think the first thing that I would like to do is thank the parents, the staff at Golden Horn Elementary School, the staff at Education who work on busing issues, the contractor, of course, Standard Bus and the school council — not only the current school council that is there, but members who are no longer there from the previous school council when this meeting took place.

I should also note that this isn't going to be, from my perspective, where there is any undue criticism levelled at the minister or at officials in Education or certainly not the contractor. It's just things that I've heard in particular from constituents at this meeting that I attended in April.

Another thing, when I reached out to the chair of the school council earlier this week to get a copy of the minutes and some of the comments from that meeting, one of the things that she said — and I'll quote here — is, “One very positive outcome of the process last year was that the bus company appears more willing to work with school administration to address behaviour issues as they arise. As a council we are confident that there is a process in place for students at our school, and that the school is engaging directly with parents and/or the bus company when necessary”.

The school council chair goes on to say — and this feeds into the motion that I introduced: “Our primary concern for the student transportation system continues to be the registration process. There are issues with a confusing and antiquated registration process that include communication of health information, communication of rider lists to bus

drivers, confusion around out-of-catchment ridership and unregistered riders, and general knowledge...” — and I’ve raised this with the minister before — “... general knowledge of which students are on the bus at any given time.”

Further to that, the question that I’ve raised on a couple of occasions here with the minister — I guess it speaks to the emergency procedures piece — is: Who does that call go to if you are waiting at a particular stop for your child to get off the bus, and he or she, for some reason or another, doesn’t get off the bus there or went somewhere else or got on the wrong bus? Who is that first call to?

I’m hoping that today the minister can provide some clarification or, as we work through this process, that hopefully gets support today, we can address that particular issue. Again, it was something that was raised by the council chair and was raised by council members at a number of the meetings that I’ve attended over the past 18 months.

Mr. Speaker, I’m going to just touch on some of the issues that were raised by parents at that bus meeting. I’ll start obviously by highlighting some of the individuals who were in attendance — not by name, of course. There were 25 parents at this meeting on April 4. I was there. The principal and the vice-principal of the school were there. The superintendent at the time was there; there’s a new superintendent now working there. A representative from Standard Bus was in attendance, as well as five members of the school council. There was a good turnout at the Golden Horn library for this meeting, and I think it was a respectful dialogue — I don’t think it was a disrespectful dialogue that was had that evening. A lot of the issues and concerns of the parents were put forth.

I know they had areas where you could write on a sticky note what your concerns were with respect to certain aspects of busing, and I’m just going to read a few of those into the record. The areas that the council highlighted for people to deal with were: registration, atmosphere, discipline, unregistered riders, capacity and health information, and there was a place for other comments and a “what I wish I knew” catch-all.

I’m going to go through a few of these comments. Again, no names are assigned to these comments. It was all confidential, but I wanted to read a number of them into the record so that members get a sense of what some of the concerns are for people that are living in my riding.

It seems, as well, that the two buses of more of a concern for parents are the ones that come in from the subdivisions in town — so Whitehorse Copper, Mount Sima area, Wolf Creek, Mary Lake, Cowley — and then the other side of the highway — Spruce Hill, Pineridge and the golf course — and then some of the other areas. There are some transfer stations at the top of the south access as well.

When it comes to atmosphere, one of the comments was that the beginning of the year sets the tone with: a formal bus riding etiquette review for kids, parents and a mix of separate older and younger kids; ensure that the bus drivers have good communication skills; some of concerns with discipline; the need to communicate the meaning behind the bus notes to all

parties so they know it’s a tool to improve behaviour; and not to have kids removed from the bus.

Perhaps there is an opportunity under “discipline” as well to temporarily have an adult on the bus to reset behaviour and tone, as it is often not possible for the drivers to manage those behaviours while they’re driving. One is to clarify and encourage timely parent feedback to inform and start corrections. Again, this speaks to an adult monitor under contract on different buses as well.

Another one was to inform the children about consequences for bad behaviour and the driver should file bus reports so we have information and let the school resolve issues with parents.

Having unregistered riders seems to be an issue that constituents brought up at this meeting. A lot of it has to do with the registration form that is used and needs to be fixed so it is clear. The department should have accurate records of who rides the bus, including out-of-catchment and students who are using other stops. Obviously some students will get on one bus in the morning and then, with the lack of after-school programming out in that neighbourhood, they will often go to a day home or an after-school program — somewhere either close or perhaps in the downtown area — making sure that you know who is on which bus in the morning versus which one in the afternoon. I know it’s obviously going to be a challenge. This isn’t a concern so much for some of the older students, but it’s a concern for the young ones.

When it comes to capacity, the parents at this meeting felt that it needed to do a better job of explaining this to the children on the bus. There are three students to a seat on these buses, which is a concern, maybe not so much for the smaller kids but for the grades 5 and up with two students per seat. Is there an opportunity for us to look at what other jurisdictions do? There was a suggestion raised to consider before-school and after-school programs to take the pressure off of the buses. That would obviously be within walking distance or even at the school itself.

The three-to-a-seat issue has come up quite a few times throughout the conversations I have had with parents. I think that, especially for some of those longer bus rides that some of the students have to undertake in my riding, it’s challenging, especially in the winter when it’s not just a backpack and runners — the kids are often wearing heavy snow pants, heavy jackets, toques and mitts, and then there is the potential obviously for some bad behaviour to occur.

Again, I am hoping that this work that is undertaken and the process we undertake can look at the capacity of the buses, look at the seating plans, and perhaps come up with a plan that is a little bit more conducive to the amount of time some of these students are spending on the bus and the age and the size of the students now as well. Even some of the younger kids are quite big — I think of my son, in particular.

I should also mention that, even though we live quite a way from Golden Horn, my son does attend that school. My wife and I, like other parents, choose to drive him to and from the school on a daily basis. We are fortunate that we have the

flexibility to do that. Obviously some parents do not have that flexibility and they do rely on the bus.

Health information is a big one as well. Having an opportunity to provide bus drivers with an information session on things like asthma inhalers, EpiPens and other specifics needed for students — there are some students who perhaps are affected with type 1 diabetes and may require insulin shots or other items to control their blood sugar level. It was felt that health information needed to be made available for bus drivers and substitutes — with maybe a laminated card on the bus — and MedicAlert bracelets worn by students as an opportunity to alert the bus drivers if there is a specific need that individual children have.

When it comes to the registration, we did mention it earlier. I am kind of hoping the minister can confirm this because it came up — I think it was at the September school council meeting that I attended. Although there is online registration for the bus, it doesn't go into a specific database right away. It is manually entered. The online form comes in and then it is manually entered by staff at Education, so perhaps the minister can confirm that, either today or at a future time in a letter back to me, and maybe get that particular registration program in the queue for one of the IT upgrades to see if that can actually be a true online registration that would have the weekly schedule — pickup and drop-off locations and home addresses for the students.

Some of the other issues that were raised include: bus drivers' only priority should be safe driving — obviously not distracted driving; prioritize some time at the beginning of the year for the driver to meet and speak to all the kids; and assigned seating was mentioned at that station. Importantly, as well — and I mentioned this off the top — is the support for the contractor, but one of the parents put “support for the bus drivers” there, which is extremely important for all parents to give and for the students to give as well.

I hope that paints a good picture of some of the issues facing the parents and the students at Golden Horn school.

I can provide to any members who would like — and perhaps I will do it at House Leaders — a copy of the minutes and the issues paper that was provided to me by the school council from that April meeting.

That brings us forward to an issue that arose this past weekend with respect to seat belts on school buses and what they could or could not have done to prevent injuries and even some deaths. I thought it was a good summary provided on *The National*, as well as what was presented on *The Fifth Estate*: a reference to a Transport Canada report that has been at the forefront of a North America-wide campaign against the use of seat belts on school buses, which was again based largely on a 1984 study that asserted that they are not only unhelpful, but they may also cause injuries. For members who haven't had a chance to watch this report, it's worthwhile to take a look at.

The CBC investigation showed that there were cracks showing within Transport Canada over its rigid position against seat belts. One of their staff members, a senior engineer with Transport Canada, actually suggested that seat

belts would be a good start. The study done in the early 1980s really looked at only rear and head-on impacts, as far as suggesting that seat belts might be more dangerous for students than not, but it didn't take into account side impacts.

The report also went on to document some actual crashes and some of the challenges the parents of the children who were either injured or killed had, but again, rather than get into those on the floor of the Assembly today, I would just encourage all members to take a look at this report. You can either take a look at an article online or watch the report on *The Fifth Estate*. They do cite a bunch of information that they felt was left out of that Transport Canada report — and again, we're going back to the early 80s here when it comes to that particular report.

I recognize, of course, that the federal government will have the key role in this, but it was also identified that there will be a role for the provinces and territories should the federal government decide to implement mandatory seat belts and seat belt use on school buses. To that end, for the report on *The Fifth Estate*, the federal Minister of Transport was unavailable but did provide comments subsequent to that, and I'm pleased that Minister Marc Garneau has decided to order his department to take a fresh look at the data on school bus safety and seat belts.

In a *Toronto Star* article that I'll quote from — “Garneau says if seatbelts are properly used and installed on buses they can provide an additional layer of safety for riders, but notes that current seat designs already provide good safety in the event of an accident.”

The article goes on to say, “The government was put on the defensive Monday after an investigation from the CBC show ‘The Fifth Estate’ suggested federal regulations about school bus safety restraints were based on out-of-date and incomplete information.

“Canada doesn't currently require seatbelts on school buses, but did introduce new guidelines in late June to regulate their use by bus operators who choose to install them.

“Those new technical requirements say restraints must not compromise existing safety features of the compartmentalized seats specifically designed to protect school children in the event of a crash.

“A 2010 Transport Canada study says seatbelts could help prevent injuries in rollovers, crashes where a pickup truck or larger vehicle slammed into the side of a bus, or crashes ‘causing significant vertical lift of the occupant compartment.’”

Again, I am pleased that the federal minister has decided to take a look at this in the wake of this report done by *The Fifth Estate*. This is an opportunity for us as legislators here in the Yukon to pass a motion where we are not responding to an unfortunate incident, where we're trying to get out in front of potential unfortunate incidents and have an opportunity to prevent it.

I hope that colleagues will support what this motion is and, again, the amendment the minister will bring forward soon and what that means. I think it certainly strengthens the

motion, especially given what I heard from the Golden Horn Elementary School Council chair yesterday.

With that, I look forward to hearing from other members on this motion. I hope it does pass and that we're able to get some work conducted on these areas I have identified and potentially other areas that arise through working with the appropriate stakeholders.

Thank you very much, Mr. Speaker. I look forward to hearing from other members.

Hon. Ms. McPhee: Mr. Speaker, education is and must be a dynamic world. By definition, to be relevant, the processes and procedures and programs and services, in my view, must be constantly evaluated to determine the needs of students and educators and to adjust and evolve to reflect the best practices and meet those needs as they change.

This government and I have tasked the Department of Education, under the able expertise of our acting deputy minister, with looking at just such systems — a variety of systems and programming in the department to see if we are meeting the needs as best we can for students and families and how we can improve those.

That work is ongoing and, as I say, it is critical for us to make sure that we are meeting the needs of students.

I'll make reference in a few minutes to a review of busing that was done back in 2014. It is my understanding that it didn't exactly result in a report but certainly some improvements or some challenges that could be met.

In the world of education, I'm concerned that we not have, necessarily, a report that we can put on the shelf and not deal with or not give the full attention. I think we need to be looking all the time to make sure that our programs, our processes and the services we provide through the Department of Education, through our schools across the territory, are, in fact, the best they can possibly be.

I am very pleased to rise to speak to this motion brought forward by the Member for Copperbelt South. I will make reference in a few minutes, but I used to be a member of his riding — I used to live there — and for that, have lots of experience, not only with the neighbourhood, but with Golden Horn school. I am pleased that we continue our work together and that he has brought this matter forward today.

There has been some recent national media, of course, on this school bus safety for students in Canada. In the Yukon, we take the safety of students extremely seriously, including as they make their way to and from school. The Government of Yukon is responsible for ensuring that students who ride the bus to and from their homes are transported in a safe, secure and efficient manner in accordance with national safety standards and regulations.

I would like to take the opportunity to provide a bit more information about the policies and the guidelines for student transportation in the Yukon and the efforts that the Government of Yukon takes to ensure students are bused to their school safely each and every day.

In the Yukon there are approximately 2,000 students who ride the school bus and who we must ensure arrive at school

safely — and on time — each and every day. Two thousand students: that is a lot of kids coming and going — a spider web of activity.

School bus transportation is currently contracted to Standard Bus. I think most of the members of the House will know that, but Yukoners may not necessarily, unless they are involved with the school system — and approximately \$4 million per year is spent on school busing in the Yukon Territory.

Every year, we work in partnership with Standard Bus, our schools and parents of students to register students for the bus and to set busing routes as a result of that registration.

In order to effectively manage our school bus routes, we urge that parents register their children or child for a school bus by the end of June for the coming year — this is where one of the issues arises. This helps to ensure that there are enough buses for all of the students and that appropriate routes are developed. Sometimes if a number of registrations come forward where there hasn't necessarily been a stop or a route before, we need to be able to adjust to that — the department needs to respond, and knowing that as early as possible is very important.

In rural communities, it is a little easier. Parents register and work directly with their local school to ensure that their child is registered for the bus — and we can all imagine a smaller community where that occurs — and that makes it relatively simple, particularly if there is only one school.

In Whitehorse, parents register their children each year by completing a school bus registration form and submitting it to the student transportation unit at the Department of Education. I appreciate that there were some specific questions by the Member for Copperbelt South, whose motion we are debating. I don't have the specific paper computer answer, but I certainly agree that the registration is a place where issues with busing arise and show themselves and need attention.

The registration process can always be improved and we will work hard to do so — we are already — and we will continue to do that. I know it is something that the deputy minister and I have spoken about very recently.

One issue is that some parents may not recognize the importance of annual registration for their child for the school bus. We have certainly heard from parents who say, "I haven't moved and my kid is going to the same school and they are on the same bus. Why do I need to register again?" Certainly there are combinations of things that occur with other families that could affect the ridership on a particular bus or a particular route, so registration is requested annually. There may be some improvements on how we deal with families to make it easy for them.

Registration continues to be an issue because accurate information about children needing to be bused and the specific details of each situation are required by the department at the earliest possible time, as I have said. Without timely registration for the school bus, we have no way of knowing how many students will be riding the school bus and from which neighbourhoods and to which schools. While I appreciate the comment that it is the same as last year,

we might be able to get an option where we can say that it is the same as last year, but it is not appropriate for us to assume that.

Mr. Speaker, I understand that this is not a new problem, as the member opposite has mentioned, but it is one that has been ongoing in Whitehorse for many, many years. We do need to come at this with some innovative, creative thinking and figure out if there isn't a way to improve this process. Each year we try to make the registration process easier, more efficient and timely. We will continue to do that as we look forward, in particular, to the comments that come from debate of this motion, always — as I have said — looking for ways to improve. If it is a point of frustration for parents, we need absolutely to address it.

This past year, we brought in our outreach efforts to schools and to parents to ensure that Whitehorse students are registered as early as possible and, of course, by the deadline. Unfortunately, we always have students who don't register until the fall or until school has started, so there is a bit of scrambling, of course, to make sure that the routes are all properly covered and that there are adequate buses. If new routes are required, they are addressed.

Registration on time for the school bus helps with setting the bus routes, as I have said, the number of buses required for the following school year and where they go to each school — an unenviable task.

The Whitehorse bus routes are also developed based on the attendance areas for schools. So each of our schools has identified an attendance area — sometimes known as a catchment area — that encompasses the neighbourhoods surrounding the school.

In addition to that, there are situations where students attend specialized programming, either at Catholic education or French immersion or French first-language schools, where they may need to travel outside of their neighbourhood. I know that was an issue not that long ago at Golden Horn when families started to move to the Mount Sima area.

It's necessary, Mr. Speaker, to establish bus routes for these students as well — the ones who go to specialized programming and/or move across neighbourhoods. Parents are informed that students are required to attend in their attendance-area schools and this requirement supports our ability to plan for class sizes, building capacity and school bus routes.

I don't think it will surprise anyone to recognize that in Whitehorse there has traditionally sometimes been an issue with children attending class in what I would call a neighbourhood school for various reasons — whether it be that they are attached to two homes, whether it be that they are attending specialized programming — those kinds of things. So all of these are complicating factors in making these programs work smoothly.

As I know the members opposite are well aware, in 2014 the Government of Yukon worked together with school council representatives to assess and make adjustments to school bus routes in Whitehorse. I would say that there have

been adjustments since that time, but there was a review at that time to address a number of issues.

As part of that work, a new and improved busing system was purchased at the department to improve bus route planning. I think that is one step forward. Adjustments were also made to bus routes to ensure greater safety for students and to reduce the amount of time that students spent on buses or waiting for buses, if there was an exchange for them to make.

I recall some figures with respect to the research I had in preparing for today that indicated that some students were waiting, at that time, from 10 to 20 minutes sometimes for an exchange. That was reduced to between three and 10 minutes, which, of course, is an improvement, but again it's just one element of the concerns that were addressed at the time.

Since that time, we've also made ongoing adjustments each year to setting bus routes and addressing specific issues as they arise. Today in Whitehorse there are 41 bus routes that bring our students to 14 different schools, Mr. Speaker. Our buses service neighbourhoods from Golden Horn to Takhini Hot Springs Road, the south Klondike Highway to the north Alaska Highway areas, from Riverdale to Porter Creek, from downtown to Hillcrest, and many other combinations of routes across the city — across Whitehorse and the extended area of Whitehorse.

In the event that a student is not serviced by one of our bus routes, Mr. Speaker, there are supports in place. For students who live 3.2 kilometres or more from the nearest bus stop, the Government of Yukon provides a transportation subsidy to offset the cost of driving to that bus stop. It is critical that all of our students make it to school, even if they live off a bus route, so we work with families to make that happen.

Our bus routes are established in accordance with the school bell schedules for each of the schools that they serve and obviously, along with safe transportation, we need to ensure that students are on time for the school day. Our busing system is extensive and serves a significant portion of our student population. Our schools and school communities help us ensure that we have the proper capacity, routes and numbers of buses in place for all students.

The bus routes and the number of buses deployed to take students to school is a direct result of the number of students registered to take a school bus. The Government of Canada, as many members of this House will know — but some Yukoners may not — sets the regulations around the amount of students who can safely ride the school bus. When we set the school bus routes and numbers of buses, we ensure that our buses are within the national safety standards of capacity. The current safety standard requires that no more than three elementary school students or two high school students occupy each bus seat. The number of students cannot exceed the limit and seating capacity that our buses are able to transport. Of course, each of our students is registered and assigned a bus number and bus route, but we must recognize that students may be registered for more than one bus route depending perhaps on their family circumstances or on

specific after-school activities, so it's often not as simple as one child going from their home to their school and back to their home again, but, in fact, they may go to after-school programs, they may go to after-school care, they may go to a different parent's home. Sometimes students ask to ride with a friend. This belongs in my dynamic world of education because it's a very dynamic situation, often on a daily basis.

Students may be registered for more than one bus route depending on their circumstances and, of course, this means that some children have a seat allocated on more than one bus, further complicating, not only the registration process, but the allocation and the calculation of bus capacities. Registration information is shared with schools at the beginning of each school year and is kept on record by the student transportation unit, which is located at the Department of Education. It's also kept with Standard Bus Yukon.

In order to further assist, all bus routes are published on the Government of Yukon website outlining times, stops, routes and school destinations so parents can access that information at any time. We try to have that information up as accurately as possible and as soon as possible during the school year, some of which can be done prior to school starting because bus routes — we don't change them every year, of course, but sometimes they can be the same as the year before and that information can be updated.

With respect to safety measures, I'll say a bit about that. With respect to safety on our buses, as with our efforts in all areas of education, from educational programming and field trips to school buildings and playground equipment, our first priority is the safety of our students. Government of Yukon's student transportation regulations lay out requirements to ensure students are safely dropped off to and from school. According to the regulations, students are to be dropped off only at designated drop-off points — again, for safety, accountability and clarity.

In the event that there have been arrangements for a student — usually the youngest of our students — to meet someone at a designated drop-off point and that person is not there, our drivers are required to stay with the student until that person arrives or return the student to the school if no one does arrive to pick them up.

When students arrive at school on the school bus, school staff are there to meet them and also supervise as they depart on a bus. In the Yukon, that is no easy task. Through long, cold and often dark winters, we have teaching staff who brave the weather for long periods of bus supervision and make sure that each and every student gets on their bus to where they need to go. I will take this chance to say thank you to all of our staff and bus drivers for their efforts to ensure students are delivered safely and securely to the place they need to get.

With respect to some further safety measures as noted in Canada, the regulations for physical safety requirements on school buses include school bus seating and are laid out by the Government of Canada. The Government of Yukon student transportation regulations, again, state that all school buses must meet the national standards and be aligned with the national regulations for bus safety.

In 2015, when the Government of Yukon transitioned to Standard Bus as the contractor to manage student transportation in the Yukon, it is my understanding that one of the criteria that the government of the day used to select the bus contractor was their commitment and record of safety.

The fleet of Standard Bus buses are regularly maintained and upgraded to ensure that they are functioning properly and are safe for our students. In the Yukon, students are only bused to school on a bus that is safe and in line with Canada's national standards.

My colleague, the member opposite, mentioned some issues around emergencies, and I can provide some information with respect to that. Standard Bus's record on safety also extends to emergency planning, which is certainly a requirement of the contractual relationship. Together with Standard Bus and the RCMP, the Government of Yukon and Yukon schools plan and respond to any emergency that may occur while our students are on their way to or from school on a bus. In the event of an emergency, the student transportation unit in the Department of Education and Standard Bus each have a list of emergency telephone numbers so parents can be quickly contacted. We are able to respond quickly to many situations, including: if a bus is broken down; if a bus is going to be running late when it's cold in the winter; if there has been an accident with the bus; if there is a health-related issue with a student on the bus; or any of the many other scenarios that may impact the safety of students on their way to or from school.

In any of these events, the well-trained staff who drive our buses, work in our schools and coordinate at the Department of Education are prepared to respond immediately to ensure students are safe. I again will take the opportunity to thank all of these professionals for their year-round efforts to ensure student safety and the safety of our school buses.

The member opposite also mentioned some issues with respect to managing the behaviours of students on our school buses. The schools work with Standard Bus to be able to respond to any situations or behaviour concerns on a school bus. Again, we take this issue extremely seriously. Student behaviour on a school bus affects all passengers, and students deserve a safe and comfortable trip to and from school. They deserve for their bus to be a place of safety.

The Department of Education transportation regulations set out the disciplinary response procedures for bus drivers in the event of a student who is not behaving properly. Bus drivers are responsible for monitoring and enforcing the school bus rules to ensure the safety of students on buses at all times.

In the event of a student not behaving properly, the bus drivers are required to report the behaviour to the school principal, and the principal is required to determine follow-up action. Such reports by bus drivers are made verbally and in writing. The school's principal is responsible for determining the appropriate action to be taken and any required follow-up — presumably in conjunction and contact with the family or parents.

In the event that student behaviour threatens the safety of any person on board the bus, the bus driver may demand that a student disembark from the bus. The bus driver would then report immediately to the school principal and wait until alternate transportation, either school administration or parents or perhaps police, if it was a situation of an alleged criminal matter, who arrive for the student to be picked up — so they must wait there.

In such a case, the school principal is responsible for immediately notifying parents or guardians of the removed student and following up with an incident report. If parents or students have any concerns about busing, they can contact their school, the student transportation officer or the Standard Bus office, and we will all work together to address the issue and answer any questions they may have.

Mr. Speaker, questions about busing, the concerns that parents may have with respect to kids on their way to and from school, are often urgent issues and very important and they must be recognized as such and dealt with the importance they deserve.

With respect to the recent media attention about the Government of Canada on the response to seat belt safety, I will note that, while it is not my common practice, I was thankful enough to have been watching *The Fifth Estate* show the other night, and like the member opposite, I recommend it to everyone, and I was additionally very pleased with the response of the federal minister and their commitment to a thorough review of this issue. Mr. Speaker, I look forward to their response and requirements for school bus safety as we go forward.

I have also asked the department about the current state of our own fleet of Standard buses here with respect to seat belts. I understand there may be some seat belts installed in some school buses, but it's certainly not required by Transport Canada — I don't think a common practice — but something we must address.

I want to again thank the staff of the Department of Education, our schools and Standard Bus professionals and their bus drivers for all the work that they do to ensure students arrive at school safely every day.

For some reason I am forging into personal anecdotes again here today, but my son was a lucky-enough student to attend Golden Horn when our family lived in the riding and attended Golden Horn by bus for some seven years. It was a great experience for him. The member opposite and I have spoken, as he has a youngster now attending that school, about the overwhelmingly positive experience of being a little kid but getting to ride a big school bus. That has to be the experience of all children, if we can achieve it, and we will work to do so.

I also would like to take the opportunity to thank all of the parents who have brought forward their concerns. I know that each and every matter that is brought to the attention of our student transportation unit is answered promptly and professionally, with a view of a quick resolution.

I have heard from many parents — completely unsolicited — that the service that they have received from

that unit has been excellent, whether it's a quick call to say, "I need to register. I haven't yet," or whether it's a situation where a child needs to ride a separate bus or a different bus, I know that the service has been excellent and they always strive to resolve matters very, very quickly. I urge any parent or concerned person to provide timely feedback to our student transportation unit, because the more information we have, the better the service can be and the more that we can improve.

As noted earlier by the member opposite, I thank him for his conversations with me this morning. I would like to move an amendment to Motion No. 332.

Amendment proposed

Hon. Ms. McPhee: I move:

THAT Motion No. 332 be amended by:

(1) deleting the phrase "conduct a comprehensive review of"; and

(2) substituting for it the phrase "participate in the recently announced Transport Canada assessment of seat-belt safety and to continue to review".

Speaker: Does the Minister of Education have copies for all members? If they could be distributed by the page and if I could have a copy please, and I will review it with Madam Deputy Clerk and report back to the House.

I have had an opportunity to review the proposed amendment to Motion No. 332 with Mr. Clerk and can advise that it is procedurally in order. Therefore, it is moved:

THAT Motion No. 332 be amended by:

(1) deleting the phrase "conduct a comprehensive review of"; and

(2) substituting for it the phrase "participate in the recently announced Transport Canada assessment of seat-belt safety and to continue to review".

The amended motion would read:

THAT this House urges the Minister of Education, in partnership with all appropriate stakeholders, to participate in the recently announced Transport Canada assessment of seat-belt safety and continue to review school busing in Yukon, including but not limited to:

(1) bus capacity and assigned seating;

(2) whether the wearing of seat belts by passengers should be mandatory;

(3) registration process;

(4) behavioural and disciplinary policies;

(5) emergency procedures; and

(6) service areas and standards.

Hon. Ms. McPhee: Mr. Speaker, I'll be quite brief and I will go back to something I said I bit earlier. The purpose of moving this amendment is, in fact, to change the wording very little — and I would certainly characterize it as a friendly amendment. It's based on a very brief conversation and a few back and forth messages I've had with the member opposite whose motion we are debating. To my view, and the view I believe of the Department of Education — and certainly the task that we as a government and I as the minister have given

them is to review processes and procedures of a program — in this case, the school busing program and the procedures, the process and the service of a bus — to assess and make sure that they are best possible services we can provide.

I said earlier that education is and must be dynamic. I'm interested in an evaluation that stops — in fact, the wording choice of “continue to review” I think is, in fact, dynamic, and I've presented it here to this House for that purpose, so that we will be charged with constantly and continually evaluating to determine the needs of students and educators and, in this case, parents and the bus process. We must adjust and evolve those processes to reflect the best practices. An example of that may be direction from the federal government with respect to safety standards for buses. Of course, we will need to adjust to meet those needs.

I mentioned earlier that we have an acting deputy minister who is extremely talented and brings ample expertise about the department and all of its operations to this position. We are enjoying the value of her expertise, her careful eye and her management team to look at the department, including several elements, and assess them on the following basis: Are we providing the service that families and students need? I look forward to that work continuing.

As I've said in the amendment here today, I think we must participate by providing information and receiving information from the Transport Canada review with respect to seat-belt safety, but also we must continue this process to make sure that we're meeting the needs of families and children in the area by getting them to and from school on school buses.

I've explained that we have an extensive and complicated system of bus routes for all of the reasons that are uniquely Whitehorse and uniquely Yukon. That's not going to change. Our response to it must be dynamic.

Mr. Kent: I too will be brief. I thank the minister for working back and forth with me on this amendment this morning. It didn't take very long — just a couple of e-mails, I think — and we were able to figure it out.

Again, I mentioned this in speaking to the main motion in my introductory remarks — I gave notice of this motion on Monday and then yesterday received an e-mail from the chair of the school council. As I mentioned and talked about earlier, they felt that they are confident that there is a process for students at our school and that the school is engaging directly with parents and/or the bus company when necessary.

I think that it gave me more confidence in not asking for a comprehensive review at this point but agreeing to a continuation of the review and making sure that work gets done and a work plan is hopefully put in place to address some of these concerns that were raised by parents and concerns that pop up at the beginning of each school year.

There were constituents who contacted me from one of the subdivisions in my riding who had pulled their students from the bus for a couple of weeks in September. It's my understanding now that they have since reintroduced their children to riding the buses after some back and forth and

some work with department officials. Again, a thank you to the officials in student transportation services and at Standard Bus Yukon, as I mentioned, for their help in dealing with some of these early season concerns for parents and students when it comes to the bus.

That said, I will conclude my remarks there, other than to say — now I remember what I was going to say. I did go back and forth with the minister on perhaps coming up with some sort of a reporting process — whether we could add something to the amendment that suggested the reporting would be done in the Education annual report. She did helpfully point out for me that student transportation services were a component of that Education annual report, so we look forward to hopefully getting some sort of sense when the next report is tabled on what work has been done so far to address the concerns in this motion as well as the Transport Canada assessment of seat-belt safety that was recently announced and work surrounding that.

I look forward to attending future school council meetings at Golden Horn and other schools throughout the territory and hearing about any concerns they have and some of the opportunities they have had to engage with staff at Education on the issues that we have weighed out in this motion today.

Speaker: Is there any further debate on the proposed amendment?

Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Mr. Pillai: Agree.

Hon. Ms. Frost: Agree.

Mr. Gallina: Agree.

Mr. Adel: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Hassard: Agree.

Mr. Kent: Agree.

Ms. Van Bibber: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. Hanson: Agree.

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

Speaker: The yeas have it. I declare the amendment carried.

Amendment to Motion No. 332 agreed to

Speaker: Is there further debate on the main motion as amended?

Mr. Gallina: I thank the Member for Copperbelt South for bringing this motion forward for debate today, and it is encouraging to see collaboration between government members and Official Opposition members in agreeing to an amendment that will see further work be done to improve school buses in the territory.

I would like to start off by saying that the matter of children's safety and support toward their lifelong learning journey is of utmost importance to this government, to me as an MLA and as a father of four children.

I would also like to take a moment to reiterate some of the considerations raised by the Member for Copperbelt South — one in particular is registration. Registration can present challenges, as raised by the member and addressed by the minister. I do encourage parents and caregivers to register as soon as possible and by the deadline. I'll speak to this a little later.

Our focus on student safety and lifelong learning has been clear since the campaign trail in 2016 with our platform of "Healthier, Happier Lives" for Yukoners.

We specifically outlined commitments that we as a government would take to ensure our schoolchildren would be able to flourish in the complete school environment and do so through listening to and addressing the concerns of Yukoners, providing additional resources where needed and fostering our partnerships with key educational stakeholders throughout the territory.

Now having formed government, the Minister of Education has received direction in her mandate letter that the minister is to work collaboratively with parents, teachers and other educational partners, including Yukon First Nations and communities, to ensure our students are able to realize their aspirations and contribute to a healthy future for Yukoners.

Specifically, this government has advanced important files that will allow Yukon children to reach their full potential in preparing for life beyond the classroom. From kindergarten to grade 12 we see examples, such as the new curriculum. We have continued to implement a modernized school curriculum across the Yukon. This year, the grade 10 classes across Yukon are using a revised school curriculum that is based on BC's curriculum but adapted to fit Yukon's northern content and embed Yukon First Nation ways of knowing and doing. This follows implementation of a new curriculum from kindergarten to grade 9 in the 2017-18 school year, and it will extend to grades 11 and 12 next September.

The focus of the new school curriculum is moving to skill development: literacy and the ability to read, write, understand and express meaning; critically analyze information; connect and create ideas; numeracy; and the ability to interpret information and apply math and logic to solve problems. This modernized approach to learning will provide Yukon students with the knowledge and skills they need to be successful in life.

Modernizing student assessments, following research and recommendations from the Yukon Education Assessment Committee, our government is changing how schools assess and report on student progress and wants feedback on the proposed changes from students, teachers, parents and community members. Proposed changes to assessments include giving more informal and ongoing feedback, collecting evidence of student learning, calculating and reporting grades and how teachers report to parents. These changes are designed to align with the curriculum changes happening across Yukon schools and support student success.

Mr. Speaker, I raise the progress that this government has made to assure members of this House and citizens of the Yukon that when we say "continue to review", we are serious in this assertion, as is evident in the examples I have shared, which began with reviews of current service delivery methods.

As my colleague, the Minister of Education, has stated, the Government of Yukon is ensuring students have safe and effective transportation to and from school every day. The Department of Education provides transportation programs to meet the needs of our students in a fiscally responsible and equitable way. This sees the Department of Education provide school busing, city transit passes or transportation subsidies to families so that students can safely travel to and from school.

Mr. Speaker, we also know, as highlighted by the Member for Copperbelt South and the Minister of Education, that the federal Transport minister, Marc Garneau, is ordering his department to take a fresh look at the data on school bus safety and seat belts. From a *Canadian Press* article on October 15, I quote: "I have instructed my department to take an in-depth look at the question of seatbelts in buses, a fresh look based on all of the evidence that has been collected since all the way back to 1984, and I look forward to their findings."

Mr. Speaker, this government and the Government of Canada are serious about ensuring the safety of our schoolchildren. I will take a few minutes now to share personal experiences from my family and experiences I am hearing from constituents.

With respect to one school in the riding of Porter Creek Centre, parents were sent forms to register their children for the school bus for the 2018-19 school year in May 2018. A hard copy was also sent home with students, ensuring that those parents who don't have access to Internet, a printer or a way of retrieving the hard copy of the registration form would be able to return it to the school. Parents were also notified of bus registration for the next school year in the spring of 2018 in the monthly school newsletter that is distributed to parents and others in the school community.

Mr. Speaker, in addition, parents may have heard radio advertisements and saw social media notifications that were repeatedly shared with the public. Unfortunately, as my colleague, the Minister of Education, has mentioned in her speech, less than 50 percent of parents had registered their children on school buses prior to the school year beginning.

This government encourages input from the community, and if there are additional ways of reaching parents so that

they may register their children for the school bus, we welcome this input. There is always room for improvement.

Constituents who have children who take the school bus shared with me that their children are not permitted to board the school bus for which they are not registered.

This policy is not arbitrary. It prevents issues such as overcrowding on buses, disciplinary issues due to the bus driver being unfamiliar with a particular child and their potential needs, and it minimizes the chance of safety issues with respect to a child getting on a bus they are not registered for and the subsequent panic their parent may endure when trying to locate their child. One of my constituents talked about her child not being able to take a hockey stick on the bus. It was left behind later for pickup. Ensuring the safety of our students as they are transported to and from our schools is important, and certain items are better transported separately to avoid accidental injuries.

When I think about experiences that I have had with my children and school buses in Yukon, I know I have options as a parent when I want my children to change buses to ride home with a friend or if they are going to miss a bus because of a family schedule change.

I want to thank school administrators, teachers, the Department of Education and the staff at Standard Bus, who respond to the requests of parents and caregivers with changes and inquiries. I want to thank them for taking the time each and every school day to make sure that children arrive at school or at their intended after-school destination on time and in a safe manner.

In closing, I have confidence in the minister responsible and in the Department of Education to continually review the ways in which the safety of our children can be enhanced. I thank the Member for Copperbelt South for bringing this motion forward. This is an important matter to the government, to this House, to me as an MLA and to me as a father. I am encouraged by the collaboration of this House in agreeing to amend this motion that will continue to see the government improve ways to keep our children safe.

Ms. Van Bibber: I am pleased to rise today to speak to Motion No. 332, as amended.

If there is an issue we should take the time to debate fully and honestly in this House, it is the safety of children who ride the bus to and from school daily. I am sure we can all agree that many things brought forward are deserving of a wider discussion and thoughts from all members of this Legislative Assembly. This is definitely one issue that is important to our community as a whole and it should be something that continues to be held as a priority for this government. Governments should continuously be identifying ways to make student transportation better and safer and to alleviate the concerns that do come forward.

There are numbers of issues that were brought forward, and I believe this motion, as amended, captures the concerns in its list of areas to be reviewed. School bus safety has been a topic that has garnered much attention lately, as we mentioned, not only locally, but nationally. School councils

are talking about it, parents are talking about it and it is great that this House gets to talk about it.

Generating general discussion in the Legislative Assembly usually tends to generate more discussion within the community. There have been a lot of concerns brought forward around bus safety — concerns around bullying and concerns about dropping off children at bus stops alone or dropping them off at the wrong stop. I am pleased the minister feels that the department is looking into each of these areas and I would encourage this work to continue.

Parents should always have an avenue to air their concerns and issues they have had in the past that have not been addressed. As the safety of our children is paramount, I cannot imagine being a parent who spends the better part of an hour looking for their child after a misunderstanding over where the bus was supposed to stop or having a child bullied day in and out on a 40-minute bus ride. When your child fears for their safety on a school bus, there is a problem that definitely needs to be addressed. We should not have to wait for a serious incident to happen for the department to review all aspects of our student transportation system, such as installing these seat belts.

With respect to school bus capacity, we have seen an increase of concerns from parents regarding overcrowding. I encourage the minister to take into account all perspectives and direct a process that would be inclusive for parents, students, school councils, school bus contractors, school bus staff and all who are concerned with the safety of the children.

The very children we are educating need to be safe to and from their place of learning and we must have the mechanisms in place to ensure this happens.

Mr. Cathers: I'm pleased to rise in support of this motion. I would like to thank the Member for Copperbelt South for bringing this forward. This is an issue that is important to my constituents as well. In the past, there have been issues within my riding regarding school busing and at one point, in one particular year when some new bus routes had been put into place, I had to work directly with a number of constituents in getting their specific concerns addressed, and I thank the department for their work in changing the schedules to meet those needs.

What I would like to note as well in the issue of school busing — this pertains to the service areas that are mentioned in part 6 of Motion No. 332 as brought forward by my colleague — is that getting a school bus to an area where there is a growing population is something that is also important for government and particularly for my constituents. There have been a couple ongoing issues that are still outstanding at this point in time that I would like to particularly draw the Minister of Education's attention to, hoping that it gets resolved. Those are the issues of a school bus service to the new Grizzly Valley subdivision area as well as service to the Fox Lake and south Fox Lake areas, both of which have growing populations of parents and children.

In the issue of Grizzly Valley subdivision, I do appreciate that the Minister of Community Services has confirmed

through a legislative return that he tabled on October 1 that the Grizzly Valley subdivision does meet the Transport Association of Canada geometric guideline requirements for safe access to the subdivision for school buses, emergency response vehicles and other users.

I'll just quote an excerpt from that legislative return provided by the minister, which noted: "The Grizzly Valley subdivision was a project developed by the Land Development Branch of Community Services. The roads meet the necessary Transportation Association of Canada geometric design guideline requirements for safe access to the subdivision for school buses, emergency response vehicles and other users..."

So I would just draw that to the minister's attention. As the minister will recall, I've written to her on more than one occasion regarding a request from constituents in the area for school bus service. There had been an indication previously from the minister that the department was not sure that the road was safe for school buses, but again, as the experts on construction have confirmed to the minister through the legislative review — and we've heard this directly at briefings from officials of both Community Services and Energy, Mines and Resources — that the field experts are confident that the subdivision was designed to meet the needs of school buses, emergency response vehicles and other users.

It was designed by government; it was engineered by government; it was constructed under the watch of government and it was signed off and approved — meeting the standards by government. Clearly officials of Community Services, as well as the minister, are satisfied that it does meet the standards.

So I would just draw that to the minister's attention and note that, for parents who have been requesting a service going back for over a year now, this is a very important issue to them. Whether someone has school bus service or not often has a big impact on the lives of not only children, but their parents. While some parents, as the Member for Copperbelt South noted in his personal situation, can accommodate driving their children without difficulty, for some — including some of the constituents who had contacted me in this particular case — having to drive children to and from school can be, not only an inconvenience, but actually make it very difficult for them to earn a living because of the particular circumstances and hours of their employment.

I do want to emphasize that point because it is a very important one, and I would sincerely hope that the minister will take this point and take the confirmation provided by the Minister of Community Services and go back to the department and ensure that school bus service is provided to anyone in the area who is in need of it and who meets the other policy requirements for receiving that service.

The second issue specific to constituents that I want to draw attention to is to constituents in the south Fox Lake area at approximately kilometre 235 on the Mayo Road. At this point, there are a number of families with young children there. When I first raised this to the minister's attention, the age of several of the kids in that area was not at the school-age

criteria. As I noted back in a letter from August 23, 2017, I referenced a particular constituent's issue as well as the growing number of children in the area who are about to meet school age — that, of course, was over a year ago now — and I would just note, again, for people in that area, seeing that school bus service extended beyond the Deep Creek cut-off to the kilometre 235 area would make a big difference in their lives.

With several growing families in the area and with kids either at or about to be at school age, this is an important matter. I would hope and appreciate it if the department, as part of this review, can take a look at that specific area and look at providing school bus service as soon as possible to this area. I would also add on to that — because they would be the farthest out on that school bus route — while it would make it earlier in the morning than the current first pickup time and later in the afternoon than the drop-off time, it should not have any effect in inconveniencing or delaying other parents or children on the existing route.

A third issue related to school bus service that I would like to raise with the Minister of Education and also with the Minister of Highways and Public Works is the growing population of parents and children down Takhini River Road. That area has seen significant growth during the time I've been elected due to the development of spot land agricultural applications and some growth as well due to a subdivision in the area, as well as a number of people who have taken advantage of the option under the zoning regulations to add cabins for rent that are occupied by tenants — as a result, there are roughly 50 households down that road at this point in time.

The school bus currently only goes a little way down Takhini River Road. There is a turnaround where the school bus has — for all of my time in office and going back to before then, I believe — been used as a drop-off point. The change, of course, is that there is a growth in population down that road — more families with young kids.

The reason that this is an issue for the Minister of Highways and Public Works is that to provide school bus service beyond the current turnaround would require more work on Takhini River Road. There are some areas where — to the best of my understanding, at least — it would be questionable whether the road would accommodate a school bus during certain conditions, especially after snowmelt or a rainfall. This issue of service area, as outlined in the motion, ties directly to the request that I have previously made and will reiterate to the minister: for government to move forward with doing the engineering assessment of the road and, with what I would hope to see as a major upgrade to Takhini River Road, including improving the ditches and the road surface — building a proper roadbed — to allow school buses and emergency vehicles — being the type of traffic that I see as the highest priority — to access it safely in all weather conditions. There have been times when — this spring — I've heard from emergency responders who live down the road or have driven down there to visit friends, that they were concerned that, if there was a call for an ambulance or a fire

truck, there were a few spots on Takhini River Road they weren't sure the vehicle could get through.

I know that is a little bit broader than the specific motion but, as I noted, it does relate very directly to the service area request. To expand the school bus service to the area, which would be wonderful to see, would also require some roadwork by Highways and Public Works.

Last but not least in this area, I also wanted to mention an issue that was outlined by my colleague under the section related to the standards — that is what it was referenced in — and that being the issue of supervision of children during a transfer. I have had a number of constituents raise concerns with me about very young kids — just young enough to be attending school and travelling on the bus themselves — transferring between buses at what the Department of Education calls the “north transfer station”, I believe, but is better known to most people in the area as the pullout near the corner of the Mayo Road and the Alaska Highway. There have been concerns related to that in one specific case. A family reported that one of their children missed transferring and went on another circuit through Hidden Valley. They were worried. They didn't know where their child was. Fortunately, the issue was resolved without any actual harm to anyone, but it was of such concern to the family that they stopped having their child go on the school bus because of that incident. In another case, constituents reportedly — also with a young child involved — were concerned about the lack of supervision for their child from bus to bus and would like to see more done in that area.

I know my colleague, the Member for Copperbelt South, made reference to that issue around the certainty with which someone knows whether or not a child got on a bus. I would hope the government, in following through with the commitment in this motion, would take some additional steps in this area. I recognize and appreciate the challenge that is posed, but it is an issue that is very important to constituents. Regardless of political differences we may have in this Assembly, I think all members would share the common goal and the common view that we would never want to see anyone's child put at risk in a situation because of something that could have been done.

With all of these and the specific examples I gave, I just want to emphasize that whether government provides service or not does have a very big impact on people's lives if they have children. Expanding service to the three areas that I mentioned in my riding would be very much appreciated by my constituents in those areas. I would just draw everyone's attention to the fact that, while we can talk about statistics and specific examples and numbers in this Assembly, ultimately, we are talking about the lives of our fellow Yukoners who have elected us here and where we can assist them in a reasonable manner. I would certainly hope that steps would be taken by government to do exactly that and to help out the people who are asking for this assistance.

Ms. Hanson: I will indeed be very brief. I just wanted to indicate that the New Democratic Party will support this

motion as amended. There are many elements to the motion, but we are particularly interested and hopeful that the territorial government will take the aspect with respect to the regulations on mandatory seat belt use for our children riding school buses and use every opportunity, not just participating in federal reviews. I would hope that the Yukon government ministers use the opportunities that are afforded to them at federal, provincial and territorial meetings to urge Transport Canada to actually move on this and not put it on the shelf where these various studies have languished over the last number of years. Once we have those regulations — and we hope that public attention has caused the Minister of Transport to be seized of this matter and we don't subsequently see a delay in implementation in the territory.

We have already seen commercial buses with seat belts. I rode down on the Husky Bus from Dawson City on Sunday and was very happy to see seat belts installed in that bus, which is similar in size to a small school bus.

Keep in mind, the reason I say that about not delaying is that Yukon was one of the last jurisdictions to pass seat-belt legislation — 1991. That was 15 years after the first seat-belt legislation in Canada.

We also have the lowest fines and are ranked the lowest for seat belt use in Canada. If we are going to be good models for our kids, we are going to have to start doing it ourselves, but we also have to then say there are reasons why — and safety has to be one of them. If we look at the most recent coroner's judgment of inquiry — posted in 2018 — out of the 10 motor vehicle deaths reported by the coroner, four deaths were attributed to people not wearing seat belts. Those are four people who could have lived.

Let's not be the last to enforce seat belt use in school buses, and let's urge our federal counterparts to get on with this and not just debate it or talk about it — it is about kids' lives.

Hon. Mr. Mostyn: I am pleased to rise today to speak to Motion No. 332, brought forward by the Member for Copperbelt South, and I thank him for bringing it forward this afternoon. It is good to see collaboration between the Official Opposition and the government to improve services in the territory — in this case, school bus service.

Continuously reviewing and improving bus safety is, of course, very important. In fact, Mr. Speaker, as minister, as an MLA and as a father, I consider any matter involving child safety a priority. All of us have a vested interest in matters that improve the safety of Yukon's children. Education matters, including this one, are a component of our “Healthier, Happier Lives” platform commitment.

Let me assure Yukoners that our bus system is safe, but, as the Member for Lake Laberge has noted, we do have a growing population. There are more cars on our roads because of that growing population. There is also a lot more industrial activity with the uptick in the mining sector. We have a lot more heavy industry and a lot more truck traffic. We can't take our eyes off this issue and we can't get complacent.

Continuously reviewing and improving our systems are very important.

Every morning, parents send their children off on the bus, confident they will arrive safely and comfortably and return home at the end of the day. Again, our bus system is safe. Statistically, a child is 70 times more likely to arrive safely at school aboard a school bus than they are in the family vehicle — something that many of us should consider when we're driving our kids to Riverdale. We could also maybe take some of the stress off our road systems. But we have to make it easy and we have to make it convenient for parents and children and make sure that those systems are efficient.

Since the first motorized school buses hit the roads in the early 20th century, our predecessors have been working to improve the efficiency and safety of our school buses. This continuous improvement has been going on for a very long time. Today, we can see the familiar safety features adorning our school buses. Flashing lights, moving stop signs and even the eye-catching yellow colour we all associate with them became commonplace, and we also have those flashing lights on the back of the buses as well.

The federal government sets school bus regulations. They determine the number of students who can safely ride the school bus. When my colleague, the Minister of Education, sets the bus routes — her department sets the bus routes and numbers of buses — the Education department ensures the buses are within the national safety standards of capacity. That current standard, as was said earlier, requires that no more than three elementary students or two high school students occupy each bus seat. The number of students cannot exceed that limit and that determines really how many buses we have.

Each of our students is registered and assigned a bus number and a bus route, and students may be registered for more than one bus route depending on family circumstances or after-school activities. This means that some schoolchildren have a seat allocated on more than one bus, which, of course, complicates the registration, allocation and calculation of bus capacity. Something seemingly so simple gets really complicated very quickly. Registration information, as my colleague has noted, is shared with schools at the beginning of each school year and is kept on record by the student transportation unit at the Education department and at Standard Bus.

The federal government also states that buses must meet national standards and be aligned with the national regulations for bus safety.

Safety has been a huge component — a huge criteria — when we choose our bus company. Standard Bus is our current operator, which maintains a fleet of buses and makes sure they're upgraded to proper safety standards for our students. Their safety record is excellent. Our school bus system is safe, but we can make improvements. One of the places we can turn our eye and gaze to is disciplinary and behavioural policies. Those two have evolved over the years. One of the things impacting the safety of the vehicle is not external problems but driver distraction, and that the distraction is not the students the driver is carrying. Schools

work with Standard Bus to be able to respond to any situation or behaviour concerns on the school bus. This is an issue I know my colleague and the civil servants in the Department of Education take very seriously. It's also an issue the Standard Bus employees take seriously. Student behaviour will affect all passengers and everybody deserves a safe and comfortable trip to and from school.

The Department of Education transportation regulations set out the disciplinary response procedure for bus drivers in the event of a student not behaving properly. Bus drivers are responsible for monitoring and enforcing the school bus rules to ensure the safety of students on buses at all times. When a student is not behaving properly, bus drivers can report that behaviour to the school principal for follow-up action. They are made both verbally and in writing. The school principal will then determine the appropriate action to be taken and any required follow-up.

This is an interesting segue, Mr. Speaker, because what we have been talking about this afternoon is the federal regulation of seat belts on school buses. The Leader of the Third Party has also spoken about that this afternoon. That will be a very important study the federal government is doing, and it will also contribute to better behaviour on buses, because the kids will presumably, if it is adopted — and we can all hope it is — be restrained in their seats, which is not only safe for the journey but also helps keep students under control.

We're very happy to hear the federal government will take a fresh look at whether seat belts are necessary or not as part of the evolution of school bus safety. We can never, in this regard, be too cautious or proactive.

In closing, I would like to thank our many school bus drivers for doing a superb job in transferring our most precious cargo safely to and from school throughout the school year. I want to thank the many administrators from the Department of Education who work behind the scenes to ensure our school bus system operates as safely and efficiently as possible.

I want to thank Standard Bus and their crew for doing the same. I want to thank the Minister of Education for all her work on this file and the Member for Copperbelt South for bringing forward the original motion.

Ms. White: I thank my colleague for bringing this motion forward and for the discussion we've had so far.

I consider myself a bit of an expert on school buses. I rode the school bus from the day I started kindergarten, except for two weeks in junior high school when I was able to walk to Jeckell Junior High, and then I took it all the way through high school.

We talk about the number of kids per seat, we talk about emergency procedures and we talk about things like this — the reality is that school buses aren't super comfortable. They're not; they haven't changed; they're still the standard school bus that I took. You can't see out the window as soon as it's wintertime because the windows freeze over. You know

where the heaters are and you kind of have a plan, right? I get motion sickness, so I never sat in the back of the bus.

There were a couple of things. When I think about emergency procedures, never once did we ever practice how to get off the school bus safely if there was an incident. I mean, I can tell you every school bus driver I've ever had all though school, but I can't tell you how I was supposed to get off the bus. I can't tell you if there was a designated person who was supposed to open up the back door. I can't tell you any of those things because we never did that.

I think that would be an important part of the conversation when we talk about emergency procedures. I can tell you that when I moved to Porter Creek and I took the bus to both Jeckell and then F.H. Collins, my bus ride was 45 minutes long. I lived in Porter Creek and went to school in Riverdale. It was 45 minutes long because I was lucky enough to be on the bus that went down Wickstrom Road, so toward Long Lake, to pick up kids before it would loop us back around. I say "lucky" in terms of only being on the bus for 45 minutes but that's not exactly the case.

There are issues right now. I don't know if people are aware, but Standard Bus is having a hard time with the drivers. They don't have enough drivers. Maybe one of the ways that could be addressed is if school bus drivers were included in the fair wage schedule. I can't imagine, when we were talking about what it would look like to drive a school bus — I think folks who drive school buses are pretty amazing because, I tell you, if I'm driving the car and everyone in my car is yelling, I'm going to pull over and I'm going to make them get out. If you're driving a school bus and you have more than 30 kids who are all quite exuberant — I'm not even sure how you would deal with that.

So maybe one way we could look toward driver retention or actually getting more drivers for school buses, increasing the qualifications and all those things, would be if we included them on the fair wage schedule. I know, for example, that my younger sister drove a school bus last year — actually for two years — and loved it. I could tell you that it's the most feminist company in the territory because you're allowed to take small children on the bus as long as they can sit in the seat. So it's amazing for parents who have kids at home that they can still work for four hours a day, which is pretty incredible.

You know, there are concerns. For example, did you know that school bus drivers have to work split shifts? That they work a couple of hours in the morning and then a couple of hours in the afternoon? So if you see someone who's driving a school bus, it can't be their only job. If it's their source of income, it is not enough to be their only job. So you will see people who stitch together both driving school bus along with, maybe, waiting in a restaurant, being service staff in a restaurant for lunch and then going back to the school bus.

Currently, drivers make just about the same salary as they did 20 years ago. If we're going to talk about how important the safety and health of children is and how much we appreciate what is being done by school bus drivers — then I

think that is something we need to evaluate, because if we looked at even minimum wage 20 years ago, that would be a stark difference from what it is right now.

We've talked about different ways to improve safety, whether there was a ride-along adult or a volunteer — whether there was another adult on the bus — I can't even imagine — I have four nephews — I can't imagine dealing with four of them in the car if they didn't have the fear of Auntie Kate, of what my reaction might be, because having 50 kids in the bus would just be a lot of work.

I know that right now in Takhini I have kids who takes buses, because they can go to the Catholic school or the French first language or Whitehorse Elementary or the high schools — but I can tell you, every morning when I leave the house, I can hear one little human yelling at the top of their lungs, and they yell straight up until they get on to their bus, and I think, "Oh, I hope that's a way to get out that exuberance before they get on the bus" — because the idea of that little human making all that noise on the bus is just about intolerable.

We've heard both sides about whether or not seat belts would be important — and I can say from my own perspective that, after a couple of car accidents where I was hit by drunk drivers, I belong to the "seat belts save lives" club. Even if only one child between now and forever was saved by a seat belt in a school bus, then I would say whatever that investment would be, would be money well-spent. The idea of any small human being hurt because the decision was made not to include those restraints is quite upsetting.

Listening to the conversation about the registration process and how that works in that organization, I can't imagine what that goes like. I know right now that there are different aspects within the Department of Education that are struggling with technology and IT things. So what is the answer for registration? I'm not sure.

We've talked about how there's a different reality between now and what was before, and it's true. For example, one of my nephews lives in Takhini half the time and lives in Riverdale the rest of the time. He goes to the same school — he takes two school buses on his route home to Takhini, so he takes one number down from Takhini and he takes a separate number home to Takhini, and then he will have at least one bus route that he does in Riverdale. So he has a conversation with his parents — depending where he's staying — about what bus he's on and where he's going, but that is a carefully orchestrated plan on their part.

Then you have to think about the fact that that school bus driver is probably quite aware — like I said, I can name all my school bus drivers — Suzanne was my school bus driver for about five years, and she probably knew as much about the kids as our teacher would have known during the school year, especially because we had that continuity.

When we talk about things like safety — when we talk about — it was mentioned — about type 1 diabetics and what happens if a young person goes into crisis — we have anaphylactic food allergies or other allergies, and we have any continuance of things; so not only does the school bus driver

right now make the same money they did 20 years ago, but they also have to be the first responder, they have to be the controller and they have to be able to drive that entire time.

It is interesting, because we talk about distracted driving, and I can't imagine a more distracting situation than moving 50 children around at one time. It was mentioned by my colleague on this side about the capacity. When we talk about the comfort of school buses, I can tell you that, after my professional riding time, that they weren't super comfortable. If you're talking about school busing in the wintertime and you're talking about toques, mitts, boots, snow pants and snow jackets and all those things, the idea of three small humans on a bench at a time is almost intolerable. I can understand that would actually cause short tempers and some reactions and it wouldn't necessarily be ideal.

I know that I have had friends who have driven bus and have really enjoyed it. I know that they all had different coping mechanisms. I know that some rule with an iron fist and some are kind of like the cool uncle or the cool aunt. Everyone tries to develop their own way to deal with the situation of how to manage children on the bus. We have talked about how, if there is a problem, what the points there are supposed to be — and I do appreciate that, from the Golden Horn school, one of the parent's comments was, "How do we support drivers?" Absolutely — how do you support drivers?

There are some small humans who are going to be getting on the bus who quite possibly get to school and have a full-time EA, but they are being handed off to that bus driver solo. It has been recognized that they need support, but that bus driver is trying to manage that one small human among other humans without that support of the EA.

I do appreciate the amendment to tag onto the Transport Canada assessment — I do, but one thing that we have heard recently is that the assessment that was done in the 1980s, it has been admitted that it wasn't as thorough as it could have been and maybe it was a bit skewed.

When we talk about the cost of seat belts — there was the man from Texas on the television last night saying that it was \$25 a kid per year to install a seat belt. I feel like we have lots of people here — lots of skill and things here. I trust that the mechanics at the bus company in town would be able to install the correct number of seat belts, as required, to make sure that we could get from point A to point B without that concern. I did hear from my colleague from Lake Laberge when he talked about expanding those routes — making sure that places like Grizzly Valley or Takhini River Road also had access to school busing.

I think the intention for including all those points in the original motion was to make sure that the conversation on school buses was broad and that it was far-reaching. When we talk about service areas and we talk about standards, it is important. I do appreciate the partnership that happened between the Department of Education and the City of Whitehorse, because that partnership of high school students being able to do the city bus has been a huge help to the City of Whitehorse in making sure that they could improve their

transit lines, that transit is moving the way it is and advancing the way it is — in part, because of the investment of the Department of Education in bus passes for high school students.

I think that sometimes there are going to be those opportunities where there might be benefits at both levels of government or even multiple levels of government at the same time.

Ultimately, I think that one of the things that should be considered for the future is the issue of the fair wage schedule. If you take a look at the fair wage schedule, it talks about — for example, garbage truck drivers are on the fair wage schedule. We have all sorts of different driving professions on the fair wage schedule, but we don't have school bus drivers. At this point in time, school bus drivers are offered the wage that they're offered and the only way that they can negotiate that is if they unionize, which they have not done yet. There is room for government there to consider including something like school bus drivers on the fair wage schedule just because of how important the job is that they do.

I think when we talk about support again I will just say that if a child has a full-time EA then it's something important to consider that they go unmanned on the school bus and what that could do to that dynamic.

With that, I look forward to a vote and I look forward to school buses with seat belts in the future.

Speaker: Is there any further debate on the main motion as amended?

If the member now speaks he will close debate.

Does any other member wish to be heard?

Mr. Kent: I thank members of the House for their comments on Motion No. 332 that I brought forward and was subsequently amended by the Minister of Education after speaking with me about doing that this morning. Of course, that amendment was supported by all sides of the House.

I think that this is an extremely important topic. I can assure members that, as I mentioned off the top, busing is one of the top two issues for parents in the Golden Horn school community, which is the centrepiece school for my riding of Copperbelt South and also services the Member for Mount Lorne-Southern Lakes and a number of his constituents.

The issues that I raised here with respect to bus capacity, assigned seating, wearing of seat belts by passengers and whether or not that should be mandatory, the registration process, behavioural and disciplinary policies, emergency procedures, and service areas and standards are all reflections of what I have heard at the school council meetings that I have attended. Then the addition of the Transport Canada review, of course, was necessitated by the report by *The Fifth Estate* and then the subsequent response by Minister Garneau to that report in taking a look at the possibility of including seat belts on school buses.

Like the Member for Takhini-Kopper King, I can't imagine what it would be like even just driving my son to school if he didn't have a seat belt on in the back in his car

seat. It would have been old school like it was maybe for my parents driving up the Alaska Highway in the early 70s with five kids and a dog and us not really buckled in all that well and probably second-hand smoke a little bit at the time too and all the other bad things that we managed to survive as kids. I'm kind of glad I was four or five years old and have some, but not a ton of, recollection of that trip up the Alaska Highway back in the old days when it was a twisty gravel road.

That said, I think that we can get to a point where there are seat belts on the buses and perhaps get to a point where we can get to capacity levels of two to a seat, regardless of age. I know that, as some have mentioned, that's going to be a resource challenge for government adding more buses, but as the population increases and as more and more families move to the outskirts of our community, whether it's into some of the subdivided properties outside of city limits in my riding or some of the new homes and older subdivisions around Whitehorse — Copper, Wolf Creek, Mary Lake, Pineridge, Spruce Hill and Cowley Creek — more and more, we are seeing pressures on the enrolment at that school and with those will be pressures on the buses. I am sure they will be in the same situation next year at the start of the year and there will be some bumps in the road, but I think what we have accomplished here today is to re-establish a benchmark or a beachhead where we can work together as legislators to hold the government to account on what we have agreed to here today, whether it's through the education annual report or through questions in the House and exchanges back and forth between the minister and I — or others from time to time.

As I mentioned, all of the parents who raised this issue with me on social media and have raised it with me in the schoolyard at drop-off and other opportunities that they have had I think will see this as welcome news that we were able to come together as a Legislature today and come up with wording that I think will work for them and for both sides of the House.

In closing, I would like to thank those officials in Education for their work on this. I would like to thank all the school communities and school councils throughout the territory for all that they do — and, of course, the contractors, the folks at Standard Bus, for the important service that they provide on a daily basis to our children.

With that, I look forward to a vote on this motion and thank all members who spoke in favour of the motion as amended.

Speaker: Are you prepared for the question on the motion as amended?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Mr. Pillai: Agree.

Hon. Ms. Frost: Agree.

Mr. Gallina: Agree.

Mr. Adel: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Hassard: Agree.

Mr. Kent: Agree.

Ms. Van Bibber: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. Hanson: Agree.

Ms. White: Agree.

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

Speaker: The yeas have it. I declare the motion, as amended, carried.

Motion No. 332, as amended, agreed to

Motion No. 294

Clerk: Motion No. 294, standing in the name of Ms. White.

Speaker: It is moved by the Member for Takhini-Kopper King:

THAT this House urges the Government of Yukon to respond to the presence of plastics in Earth's oceans, fresh water and environment by working with industry and municipal and First Nation governments to:

- (1) eliminate the distribution of single-use plastic bags;
- (2) eliminate the use of single-use plastic food and beverage containers including: straws, utensils and lids; and
- (3) reduce the amount of plastic packaging throughout the retail industry.

Ms. White: The first thing I'm going to say is that this motion was tabled in April of this year. This was tabled before Earth Day where we talked about the importance of removing plastic from the environment. I appreciate that there was a motion tabled yesterday that was similar, but plastic is not a new thing here.

Mr. Speaker, plastic now includes every aspect of the world we live in. You can find it in any body of water, littering the sides of roadways and in the wild places where you would never expect to find it. If you think about it, single-use plastics require that we extract a non-renewable resource, use energy to transform it and then it gets used for a few minutes, or a couple of days at best in the case of food containers, before they get thrown out and they take up space in our landfills for hundreds of years — hundreds of years before that will go away. We have to ask ourselves how this has become easier than washing a reusable container. I don't think I need to go in any greater depth as to why single-use plastics are bad — they're bad and we all know it.

Yukoners are experts in the “think globally and act locally” movement. Yukoners are expert recyclers; they understand the importance of waste diversion, reusing, recycling, upcycling and all those things — they understand. There are local businesses like Midnight Sun Coffee Roasters who only use compostable cups and lids so everything you get from Midnight Sun can go in the compost. Then we have places like Riverside Grocery who have done away completely with plastic bags and single-use plastics like cutlery, straws and cups, and what they use now is 100-percent compostable. Both businesses made choices toward being environmentally friendly, but this motion isn’t about personal responsibility or making the right choice, because if our strategy to tackle the environmental challenges of today relies only on personal choice, I hate to say it, but we won’t succeed. This is an issue of policy and an issue of leadership. It requires government action from this government today and from every government, we would say, even years ago.

In March 2015, a motion by the NDP opposition MP and environment critic Megan Leslie called for microbeads to be added to the list of toxic substances, and she received all-party support in the House of Commons. This is worth mentioning because this is an example of government making a decision and creating a policy that banned the use of plastic microbeads commonly used in personal hygiene products. Why was it a big deal? It is because almost any fish — at this point in time, that’s cod — will have microbeads in its system. They don’t go away; they get consumed by other animals and it just gets recirculated. This became law on January 1 of this year.

From now on, plastic microbeads will not make their way into Canada’s environment, and that is an incredible accomplishment. We are in good company, having been joined by Wales, France, New Zealand, Taiwan and the United Kingdom, with many other countries aiming to be free of microbeads by 2020. In many nations of the world, there has been a phase-out of lightweight plastic bags. In 2002, the Bangladesh government was the first to impose a total ban on the single-use plastic bag. When people in Rwanda advocated for a plastic bag ban with penalties for offenders, the government followed through and the ban has been upheld in the country since 2008.

I can tell you, Mr. Speaker, having travelled in warmer countries, plastic bags were used for everything. Anything you would buy would be put in a single-use plastic bag. Such a ban has also been applied in countries or regions such as China, Taiwan, Macedonia and Kenya. These are bigger places than us. In 2015, the State of Hawaii banned single-use plastic bags, not through the state legislature, but instead through all four county councils, and they are now pushing for further bans. It has been two years since California banned stores from handing out single-use plastic bags to customers. It was a big deal in California. It was a referendum issue, with plastic-bag makers launching a multi-million dollar campaign to persuade voters to reject the ban. It was crazy what happened in California. The bag-makers lost; they lost the vote.

In the end, this momentous change was not a big deal. Shoppers did not revolt or launch recall campaigns against state lawmakers. Food still gets to people’s houses. Reusable bags did not spark an epidemic of food-borne illness, as some critics suggested they would, and consumers didn’t go broke paying 10 cents for the thicker, reusable plastic bags that stores are allowed to distribute now instead.

One could say that the shopping never stopped, nor has it stopped in Victoria — population 84,289. The reason I’m telling you the population numbers is because I feel that we can do this — so Victoria with almost 85,000 people and Montreal with 1.741 million people — they have both banned plastic bags. Or one in six other Canadian municipalities — this is quite inspiring — Leaf Rapids, Manitoba, population 582 — they made the choice of no more plastic bags. Thompson, Manitoba — population 13,000; Huntingdon, Quebec, and Deux-Montagnes, Brossard — Brossard, Quebec, has 85,000 people. This is a really good one for me — Wood Buffalo regional municipality of Alberta — 71,000 people. I had to look into it. Fort McMurray banned plastic bags — holy Hannah; if Fort McMurray can do it, so can we. This isn’t an issue of personal responsibility, because Yukoners — we have taken personal responsibility and we talk about how well we’re doing in that way.

This isn’t about preventing people with disabilities from accessing straws, because there can always be an exception to every rule — that is not what I’m targeting — but this is about government leadership and it’s about government policies, because if we make the policy to ban plastics, then decisions have to be made and motions will be taken toward that.

Other governments from all levels, jurisdictions and populations have shown that tackling the problem of plastic is doable. It is just a question of political will, but what I want to tell this government is that the time to slowly change our habits to protect the environment has passed. We have missed that boat. We have already been waiting for much too long when it comes to single-use plastic. If this government really wants to make the change happen, I know that they can. They can ban single-use plastic today and allow for a transition period. It could be a year, it could be two years, for instance, but it can’t be indefinitely, because we can’t just have this conversation again in 2020. We need to be looking forward to this.

If we had a transitional period, it would give time for businesses, it would give them the opportunity to change their practices, and it would allow for government to work with industry and municipal and First Nation governments to determine how this can be done, how it can be enforced and what alternatives can be promoted. There is no reason we can’t do this. We just need to make the decision here because we’re the decision-makers.

So Mr. Speaker, let’s just do this. Let’s ban single-use plastics.

Hon. Mr. Streicker: I would like to thank the Member for Takhini-Kopper King for first introducing this motion back in April and for bringing it back here today and also the

Member for Copperbelt North for his motion. I'm very happy to see a motion like this being debated in the House. I think it is important that we show leadership as a government and create the policies and take actions. I will try to address that situation in a moment.

I want to talk about plastics, which are so incredibly useful in what they do in our lives. They're ubiquitous now but, at the same time, once they become part of our waste stream, they can be heinous. They're incredibly difficult — there are so many costs associated with them. There are costs associated with them when they make it into our landfills. Even if we recycle them, there are still costs because we have to transport it and we have to deal with it. There was a time when that plastic was making it into places where it was just being burned and there were a lot of toxic chemicals released and were incredibly bad for the health of the people who were nearby those places. That has been phasing out, but there are still a lot of problems with it. It gets into every phase of our environment, whether that is the atmosphere, our soils, all of our lakes, waters and oceans. As the Member for Takhini-Kopper King noted, it bioaccumulates into species. It is just an awful thing. Even when we do recycle it, there are still problems.

I want to say to the public that it is important to get rid of single-use plastics, and I'm looking forward to supporting the intention of the motion here. I have had some conversation today with the Member for Takhini-Kopper King and am willing to take the responsibility and the leadership.

However, I do think it's worth saying to the public that, even if we get rid of single-use plastics, there is still a lot of plastic that ends up in our landfills, and that plastic is ending up as part of other things. I know the member opposite knows this because I have seen her work with Raven Recycling and Zero Waste Yukon where we take a look at those things that we're trying to find ways to recycle, but there are products like toothbrushes, which have a lot of plastic in them and then some other composite materials, and it makes it very difficult to get at those things. We need to deal with those costs. It is always better to reduce first, reuse second, and recycle third. It needs to be in that order.

I think that sometimes citizens or governments think: Let's get the recycling in there. But the recycling doesn't deal with all the problems. We really do need to focus on reduce first and reuse second.

I will say that it's also better to get to a polluter-pay system, or what I refer to as a stewardship model of dealing with our solid waste, than it is to use a tax-base model. There are many jurisdictions that have started to move in that direction. There is the example of the designated material regulations. I will talk about those a little bit. That's an example of us moving more toward a user-pay model, which is, in this case, really a polluter-pay model.

I wanted to give you a small example that comes from 30 years ago, Mr. Speaker. I was living in the Maritimes, doing my master's degree. I also happened to be doing some quilting. I went to a store to buy some quilt batting. In previous days, Mr. Speaker, quilt batting was made from

natural materials, but these days it is made from polyester, which is effectively a plastic. It's a plastic derivative.

I was buying this quilt batting to do this quilting, and I was frustrated because I looked at the quilt batting and it was in a plastic bag. So you have effectively plastic encased in plastic. I thought, "Okay, that's fine. I'm going to buy it this way. It's all I can get." When I got to the counter, I was speaking with the clerk and the clerk proceeded to bring out a plastic bag. It was not just any plastic bag, because this is a big thing. It was a massive plastic bag. I said, "No, no, no. I don't need a bag." I'm one of those people who always tries not to take a plastic bag. I often have a reusable cloth bag, but I certainly didn't that day.

She could see I had my bike helmet, and she said, "But you can't take that home." I said, "Yeah, I can. It's just the same as if you give me another plastic bag to go over top of the plastic bag holding the plastic." We proceeded to have an argument about it because she felt it was really important. I said, "What is the risk if you don't give me one?" She said, "Well, what if someone accused you of stealing this?" I said, "I could use the receipt, couldn't I?" She said, "Well, you know, but it's policy." I said, "How about this? You walk me out with it and then once I get out, I'm done, and don't let me back in with this thing unless I have a plastic bag over the plastic bag." She said, "No, no, I'll just put it in there for you, dear." That was a very kind way of referring to people there in New Brunswick and I ended up just so frustrated. For the past 30 years, I've sought to try to find ways to reduce first, reuse second and recycle third.

I think the member opposite is exactly correct. We have come a long way, and I think Yukoners in particular, and in the broad sense, want to do the right thing and are willing to get there. I won't say that's true of everybody, and I'll comment on that a little bit later, Mr. Speaker, but I think generally that we're there as Yukoners.

I will also say that over the past months I have been trying to volunteer at some of our solid-waste facilities. I'm calling it the Southern Lakes dump tour, and this weekend, I will finish off the Southern Lakes and I hope to get to Deep Creek as well, because I think that's another solid-waste facility near to the City of Whitehorse that is really affected by its proximity to the City of Whitehorse.

I am trying to get a handle on what the challenges are. I can tell you that one of the challenges is single-use plastics — bags. Even though you try to put them in place, they blow everywhere. They move outside very quickly. They get hung up in the bushes and on the fences — the bear fences — and they just get out.

I will give you one more small story, Mr. Speaker. A long-time Yukoner told me a story. I certainly won't name names. They lived outside of town and they said that what they used to do — maybe even before there was a landfill — they would take garbage and put it in a paper bag, and then they would just go out and shove it down into the lake because you would get rid of it that way. They said that then, along came plastic bags, and it was really hard to shove down because it would float. If you think about how far we have

come since then — and it is only a decade or so ago that we were burning our garbage — we are so far ahead down the road. I want to thank Yukoners for how far we have come, but we need to go further.

I thank the member opposite for talking about communities that have done this and how they have been successful: Victoria, Montreal — I hadn't heard about Fort McMurray. I certainly will go and look that up.

I also think that the Northwest Territories, one of our sister territories, has done some great work. They didn't actually ban it, but they put a price on plastic bags. I think it was 25 cents. They started in about 2011 and it has been incredibly effective. It didn't get to elimination but, as I will point out, Mr. Speaker, there is always more to do when it comes to plastic. There is a lot to do.

I know that there have been some local businesses — just earlier this week, for the start of a week trying to celebrate dealing with solid waste, we discussed in particular the Zero Heroes, but I know of business owners in Dawson who have chosen as group not to use plastic straws. I know there are businesses here in town. Not only did Riverside Grocery decide to change out their single-use plastics, but they also added to their myriad of available products — metal straws, glass straws and all sorts of things that would encourage us to continue to not use materials like single-use plastic.

I want talk about the Solid Waste Advisory Committee. Just as we hit Earth Day earlier this year and the motion came forward — this original motion — it turns out that I was also given the *Yukon Solid Waste Action Plan* or the recommendations from the Solid Waste Advisory Committee, which is made up of folks from across the territory. Our rural communities are there, we have some CAOs, we have some folks who work in Highways and Public Works, we also have the executive director of the Association of Yukon Communities, who is one of the co-chairs of that committee, and we have folks from Community Services and also the Department of Environment — and they developed an action plan that we adopted and presented to the Association of Yukon Communities annual general meeting.

Part of that is that they are working to help us move to a more sustainable future. As it turns out, this very morning they met. They were alerted to the fact that we were debating this motion. They have given it some thought. I am happy to report back that they are on board and excited that we're having this motion and that's a great thing, because I think part of this, as the member opposite noted, is that it's really important to work with our municipalities, our First Nations, the business community, industry and the private sector, because they're the folks who have innovation and entrepreneurship and ways to get at good solutions.

I want to say that, based on my discussion with them this afternoon and having spoken first with the member opposite about how we might achieve this, I turned around and asked for a report back from that advisory committee, which is currently in the phase of trying to recommend to me options on how to implement the plan that we have adopted. They think this would be a welcome addition to the plan. We are

working as we speak on how we might be able to work toward elimination and come up with an action plan — not pushing it off into the future but making a concerted effort.

It goes alongside with the other efforts that the Minister of Environment and I have been working toward with respect to designated material regulations.

I told them that I was encouraged that they were working on it and I looked forward to hearing back from them — their recommendations — whether we would move to extended producer responsibility, whether we would move to pure regulations or whether we would move to designated material regulations. These folks are ones who are working with solid waste across the territory and are able to provide good recommendations to us for a starting point. I think after that the next step is to get out and engage the public, because we need to hear from industry and we need to hear from the private sector. We need to hear their ideas.

Through the *Yukon Solid Waste Action Plan*, they have a set of priorities that they are providing for us to achieve. They are making these things specific, measurable, achievable, relevant and time-based. They are working generally to make sure that we are looking at the life-cycle cost so that we don't just push this problem off to another legislature or another generation. We need to make sure that the system we develop works for the whole territory. We know that we need to focus on innovation. We know that we need to focus on polluter-pay. We understand that all of this is important, and we want it to happen as a government initiative but also to get that support and buy-in from the public.

While I am happy to try to accelerate the ideas and this action item, I think part of that action is always that we will work with the public and private sector and municipalities that deal with our solid waste facilities.

Speaker: Order, please.

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

Debate on Motion No. 294 accordingly adjourned

The House adjourned at 5:30 p.m.

The following legislative return was tabled October 17, 2018:

34-2-153

Response to matter outstanding from discussion with Mr. Hassard related to general debate on Bill No. 207, *Second Appropriation Act, 2018-19 — United States-Mexico-Canada Agreement* (Silver)