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HANSARD

Wednesday, November 22, 2017 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2017 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

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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

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Brad Cathers	Lake Laberge	Patti McLeod	Watson Lake
Wade Istchenko	Kluane	Geraldine Van Bibber	Porter Creek North

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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, November 22, 2017 — 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.

Tributes.

TRIBUTES

In remembrance of Chief Mike Smith

Hon. Mr. Silver: Mr. Speaker, today I rise to pay tribute to Elder and Yukon Regional Chief Mike Smith. Although it has been a month since his passing, the loss of such a man is still a wound to many in our territory. This is inevitable with any person who leaves behind a legacy such as his.

History and time ultimately determine who we remember as having shaped the destiny of our territory, but Regional Chief Mike Smith has forged a path forward for Yukon and we owe him a great debt of gratitude for his over four decades of knowledge and leadership. Already he is remembered as an extraordinary leader, as a grandfather and a father, and as a friend to very many people.

He is a man who worked with strength, grace and determination to secure a better future for all Yukoners. Now those traits were notable at an early age. A residential school survivor, he became one of the first two indigenous lawyers in the Yukon in 1984, encouraged by Elijah Smith, and much of his life's work was focused on land claims and aboriginal rights.

He became Chief of the Kwanlin Dün First Nation for three terms and, at the time of his passing, was on his second term as Yukon's Regional Chief of the Assembly of First Nations. It is his hand that signed the *Kwanlin Dün First Nation Final Agreement* and self-government agreement in 2005, setting the First Nation on a course of self-determination.

His work to ensure that the priorities of Yukon First Nations were heard nationally earned him recognition and respect across Canada. It is a part of his vision that graces the waterfront in Whitehorse — the Kwanlin Dün Cultural Centre — which he described as an important symbol of how the Kwanlin Dün is strengthening their nation and their culture for current and future generations.

Mr. Speaker, to quote Chief Dan George's *Words to a Grandchild* — and I quote:

In the midst of a land
 without silence
 you have to make a place for yourself.
 Those who have worn out
 their shoes many times

know where to step.
 It is not their shoes
 you can wear
 only their footsteps
 you may follow,
 — if you let it happen.

Regional Chief Mike Smith took the steps of a giant and he prepared the generations behind him to carry forward in a similar stride. To leaders like him, we are all indebted and thanks to his leadership, we are all enriched.

Thank you very much, Mr. Speaker — all my relations.

Ms. Van Bibber: I too rise today to pay tribute to Mike Smith, who was born May 25, 1946 at Lake Laberge, Yukon, the eldest of seven children born to Little Johnny Smith and Irene Smith.

Mike spent many years attending the Baptist Mission School in Whitehorse. At his celebration of life service, the stories shared by his fellow residential school friends about their time there, resonated with laughter and fond memories. I'm sure that's how they survived the many years.

Sports were a huge help as well. Mike was a gifted hockey player and was also a member of the F.H. Collins basketball team.

He was a good student — an F.H. Collins grad, and then off to university, first studying geology, then transferring to law. Mike attended pre-law school at the University of Arizona and law at the University of British Columbia, graduating in 1983.

At UBC, Mike met Roberta, or Bobbi, and together they raised Robert, Karyn, and Michael Jr. Later, they helped raise Cherish, whom he considered a daughter, with his partner Lucille.

With a law degree in hand, Mike became a partner at Cable Veale Cosco Morris & Smith, but local politics — especially First Nation politics — were calling his name, and he answered. In 1984, he was elected chair of the Council for Yukon Indians, today known as the Council of Yukon First Nations.

As was stated, Mike was elected three terms as the Chief of Kwanlin Dün First Nation and signed the land claim and self-government agreements for that First Nation in 2005, but Mike wasn't finished. He allowed his name to stand and was elected as Yukon Regional Chief of the Assembly of First Nations, and was re-elected in 2015, until his passing.

But it was not all politics. He was interested in culture and language revitalization as well. He was director of aboriginal languages for YTG for 10 years, and a huge supporter of the Native Language Centre. He had a gift for languages, speaking Tlingit, Northern Tutchone, Southern Tutchone, French and Spanish.

His children and family ranked at the top, no matter how busy his life became. Mike always met everyone he knew with a huge smile and a greeting, and all of his extended family and friends will sorely miss him. He is gone way too early and we who are left behind honour his memory and

He has made a path much easier to follow.

Ms. Hanson: Mr. Speaker, I'm humbled to rise today to pay tribute to Mike Smith on behalf of the New Democratic Party. Others have spoken eloquently about Mike as a leader, a mentor, a friend and a history-maker.

Last month, at the Kwanlin Dün Cultural Centre, I joined many other Yukoners who were joined together by our desire to pay our respects to Mike Smith. One of the striking features of that afternoon was the shared history of so many people who, like Mike, overcame significant systemic barriers to become determined, persistent warriors for social justice.

It was during the story-telling — the gentle, sometimes barbed, arrows of good-natured humour — by Mike's friends and former colleagues — from the Baptist Mission School days to the hockey rink to the CYI or the AFN — when I was struck by the reality that Yukon is diminished just a little bit each time we lose another of the leaders — another one who stayed true to the quest set for them by the early champions of the rightness and the imperative to reach a just settlement for Yukon's First Nation peoples.

Mr. Speaker, in my previous life, I worked with various teams of negotiators from all sides who struggled to find an equitable basis for a settlement — one that acknowledged the painful history of displacement that the Kwanlin Dün had endured. The identification of a signature piece of Kwanlin Dün settlement land on the Yukon River waterfront was key to beginning that process of recognition, as was the ability to find ways to enable the Kwanlin Dün First Nation to realize its dream of a gathering place — a place of celebration that signifies pride of place.

Mr. Speaker, as Chief of the Kwanlin Dün, Mike was fierce in his determination that the settlement of his First Nation would be one that would lay the foundation for addressing some of the complex, emotionally gut-wrenching realities that had evolved over time as a result of years of, at best, indifference by the federal as well as territorial governments.

When I say he was fierce, I have in my mind's eye the vision of the horse whisperer. You know, normally when we talk about a horse whisperer, we mean a person who tames or trains horses with non-aggressive methods, typically using body language and gentle vocal encouragement, rather than physical contact. Mr. Speaker, Mike Smith was highly adept at using these methods to great effect. He was a horse whisperer nonpareil.

Finally, Mr. Speaker, on a personal note, as I sat with so many others in that gentle celebration of life of Mike Smith, I was taken back to a day in February 2005 when I was given the honour of signing the *Kwanlin Dün Self-Government Agreement* as a witness to the federal minister. The joy on Chief Mike Smith's face that day as he held up the signed agreements signalled that the work to rebuild Kwanlin Dün First Nation could now begin. He had done his part to establish a solid foundation for the future.

Mr. Speaker, Mike Smith's legacy lives on.

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Silver: It's an honour to introduce the folks who are here today gathered in the gallery, but I do want to comment again on the comments from the members opposite. The two words "fierce" and "friendly" perfectly define Regional Chief Mike Smith. As leaders in the Legislative Assembly and as leaders — I know the member opposite, the Leader of the Third Party, can attest to those key moments in politics that really define our responsibilities. Regional Chief Smith, during the election campaign, asked the toughest questions on the toughest issues in the Yukon.

Mr. Speaker, I would like everybody to help me in welcoming today in the gallery, Ed Schultz, the Deputy Chief for the Little Salmon Carmacks First Nation. We also have Michelle Telep, the Deputy Chief for Ta'an Kwäch'än Council. We have Sandra Mirhashem, Cherish Clarke, Doris Anderson, Kayla Anderson, and Elder Chuck Hume. If I can ask your indulgence, Mr. Speaker, in addition to the guests who have joined us in the gallery today, Polly Hyslop, Mike's partner, is listening in from Fairbanks, Alaska, where she works as a professor in the indigenous studies program at the University of Fairbanks. I ask everybody to please help me in welcoming her.

Applause

Hon. Ms. Dendys: I would like to acknowledge Charles Chief, who is an elected council member for the Kwanlin Dün First Nation — also father to my beautiful niece and nephew. Welcome to the gallery today.

Applause

Hon. Mr. Mostyn: I would like my fellow members of the House to please welcome my nephew, Adair Sugrue. He has just moved here from the Lower Mainland, so he is the territory's newest resident.

Applause

Speaker: Any further introductions of visitors? Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Ms. White: I have for tabling two reports: one is entitled *Safe at Home — A Community-Based Action Plan to End and Prevent Homelessness in Whitehorse, Yukon*, dated September 30, 2017; and *A Road Map to Eradicate Child & Family Poverty — 2016 Report Card on Child and Family Poverty in Canada*.

Hon. Ms. McPhee: I have for tabling a legislative return, which is a response to a question asked by the Member for Porter Creek North on November 9, 2017.

I also have for tabling today the *Student Support Services Parent Handbook* from the Department of Education.

Hon. Mr. Pillai: I have for tabling a legislative return in response to the question from the Member for Lake Laberge on November 2, 2017.

Mr. Hutton: I have for tabling today a document entitled: *Cannabis: Our Position for a Canadian Public Policy — Report of the Senate Special Committee on Illegal Drugs*.

Hon. Ms. Dendys: I have for tabling today the *Yukon Advisory Council on Women's Issues Annual Report 2016-2017*, as required under section 15 of the *Yukon Advisory Council on Women's Issues Act*.

Hon. Ms. Frost: I rise today to table the *Yukon Housing Corporation Annual Report for the Year Ended March 31, 2017*. The tabling of this report is required under subsection 23(2) of the *Housing Corporation Act*.

Hon. Mr. Streicker: I have for tabling today three legislative returns in response to questions from November 14, 2017 in Committee of the Whole for the Member for Copperbelt South, and in response to a request from the Leader of the Official Opposition yesterday for a report, I have another legislative return.

Mr. Cathers: I have a printout dated this morning from the government's tender management system, entitled New Supreme Court Judge's Office, Andrew A. Philipsen Law Centre, showing a cost estimate of up to \$250,000 and a start date of December 19.

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

THAT this House urges the Government of Yukon to work with industry, municipalities and stakeholders to implement changes to the *Designated Materials Regulation* that reflect a stewardship model.

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

THAT this House urges the Government of Yukon to reduce child poverty by:

(1) recognizing that children need financial support from their parents and have a legal right to it; and

(2) recognizing that families in receipt of income assistance should not have child support considered as income.

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

MINISTERIAL STATEMENT

Whitehorse Correctional Centre inspection

Hon. Ms. McPhee: Mr. Speaker, today, I am pleased to be in a position to share that Mr. David Loukidelis has been appointed to inspect the Whitehorse Correctional Centre under the authority of the *Yukon Corrections Act, 2009*. The inspection will be focused on policies and practices that affect or may impact the mental health of inmates. This will include the use of separate confinement and segregation of inmates with mental illnesses.

Mr. Loukidelis has had a career providing expert, high-quality advisory services to governments and others. He is a graduate of Osgoode Hall Law School, the University of Oxford, and the University of Edinburgh, with over 30 years of practice experience. To highlight just a few of his accomplishments, Mr. Loukidelis has served as the Information and Privacy Commissioner, Deputy Attorney General, and Deputy Minister of Justice for the Province of British Columbia. In 2012, Mr. Loukidelis was appointed chair of Alberta's Law Enforcement Review Board, the independent civilian oversight tribunal for police conduct and discipline in Alberta. He has led a public inquiry, has experience leading an independent appellate review, and has written hundreds of freedom of information appeal decisions and many investigative reports.

We are fortunate to have the interest of Mr. Loukidelis and Yukon citizens will benefit from the expertise and experience that he brings to this inspection.

Mr. Loukidelis will carry out the inspection independent of the Yukon government. He will have access to the Whitehorse Correctional Centre and will be guided by the terms of reference that have been established for this inspection. As I've said, I'll make the terms of reference available to the public and I have them today for tabling, Mr. Speaker. In addition to that I have for tabling a biography of Mr. Loukidelis.

Section 36 of the *Corrections Act, 2009* gives the inspector broad-based investigative powers. The inspector will have access to documents and he will be in a position to interview Whitehorse Correctional Centre staff, inmates, First Nation citizens, First Nation governments, community members and other stakeholders to become fully informed.

We expect that the inspector will also study best practices in correctional facility operations in other jurisdictions to assist in the development of recommendations.

As I have said, the focus will be to examine the practices of Whitehorse Correctional Centre related to the segregation of inmates with mental illness and to make recommendations that would improve the services we provide to inmates with mental illnesses.

Individual inmate medical records are not accessible, pursuant to the law. The inspector cannot review the personal medical files of an inmate without their consent. With this one exception, Mr. Loukidelis has the authority to examine all

documents and records that describe the policies and practices he deems necessary for inspection.

The terms of reference give the inspector three months to carry out the inspection. He will begin on or before January 1, 2018 and will report to the Deputy Minister of Justice by March 29, 2018. The deputy minister will receive the written report and recommendations and within 90 days the Department of Justice will report back to me. We will make both documents available to the public at that time.

In my mandate letter, we have committed to working toward development of improvements, alternative correctional therapies, et cetera, and I look forward to the opportunity for innovation in this area as a result of this inspection.

Mr. Cathers: As I understand it, the Speaker does not receive an advance copy of the ministerial statement. I won't raise this as a point of order, but I would note that the practice of the Assembly requires the opposition to be provided with an advance copy of the statement and the minister strayed from the advanced script several times during her reading.

Moving on to the substance of this, the Minister of Justice already has detailed information about policies and practices at Whitehorse Correctional Centre, including the policies and practices related to mental health, separate confinement and segregation. If the minister wishes to make changes to the policies, practices or resources at the Whitehorse Correctional Centre, she could work with the staff of the Department of Justice to make those changes. This government is earning a reputation for handing the hard work of government off to someone else.

We look forward to hearing the results of the inspection and hope that the minister will be transparent with the results. But in conclusion, I wish to emphasize that the Official Opposition continues to have confidence in the dedicated staff at the Department of Justice, including the staff at the Whitehorse Correctional Centre.

Ms. Hanson: On behalf of the Yukon New Democratic Party, I would like to reiterate the thanks that I expressed yesterday when I was pleasantly surprised when the minister indicated that she in fact was appointing an independent inspector under the *Corrections Act, 2009*. We had long called for and echoed the concerns being raised by many in this community about the need for an independent review of activities — in particular, with relationship to how inmates at the correctional facility who have mental illness or who demonstrate symptoms of mental illness are treated and have been treated.

I would raise one concern that I raised yesterday — and I will raise again — that the minister indicated that individual inmate medical records are not accessible and the inspector cannot review the personal medical files of any inmate. It would seem reasonable that if an individual inmate gave consent to have their individual medical files, particularly as they pertain to ascertaining the scope or the intensity or the evolution of their mental illness over the time they have been incarcerated, this would make his assessment more

meaningful. So I would hope that, with consent, the inspector will have access to those records.

I also hope that the inspector — because it is not stated in the ministerial statement — will be able to meet with and/or consult with former inmates, because, Mr. Speaker, as you will recall, the situation that triggered the absolute imperative and shameful situation for this review — and which caused the minister to call for this inspection to take place — was the case of Michael Nehass, who was held in remand for a period of years at Whitehorse Correctional Centre, oftentimes in solitary or administrative segregation. In that case, the court heard that, prior to his placement in Whitehorse Correctional Centre on remand — and I believe that was in 2011 — he had appeared before the court in 2007, where it was noted that he displayed symptoms indicative of mental illness.

Mr. Speaker, Mr. Nehass is no longer incarcerated at Whitehorse Correctional Centre, but he would be someone who would have a view on the situation at WCC.

I would also hope that the inspector will be free to comment on whether or not it is appropriate to use the Whitehorse Correctional Centre as a mental health facility. We look forward to the good work that no doubt the inspector will be conducting and to seeing this report in March 2018. We also look forward to receiving, as the minister committed to in his statement, the terms of reference for his review.

Hon. Ms. McPhee: Thank you to the members opposite for their comments on this new development. I was pleased to announce that Mr. Loukidelis will inspect the Whitehorse Correctional Centre. I'm confident that he will provide an impartial report to the Department of Justice upon completion of his inspection. The purpose of this inspection, being directed as it has been — the terms of reference are, in fact, that it be independent from the department and independent from Whitehorse Correctional Centre.

Presumably, if I had taken the advice of the Member for Lake Laberge and done this inspection internally in the department, that would be the criticism too. So it doesn't seem to matter. It will be independent.

I believe that all Yukoners should be pleased to hear that our Liberal government is taking action to address the policies and practices that affect or may impact the mental health of inmates, including the use of separate confinement or segregation of inmates. The treatment of inmates with mental illness has long been an issue in the Yukon justice system, and not enough has been done in the past to address it properly.

Today, by naming the independent expert to conduct an inspection, our Liberal government is taking action to address this issue with the aim of enhancing the administration of justice in our territory. This is the first time, Mr. Speaker, that section 36 of the *Corrections Act, 2009* has ever been invoked in Yukon. It will allow us to identify areas where we can improve the delivery of service and programs at the Whitehorse Correctional Centre to better serve inmates who suffer from mental health problems — in fact, all inmates.

As I said, we are fortunate to have Mr. Loukidelis to agree to conduct this inspection, in light of his considerable experience and expertise.

By the way, I should comment on the fact that the previous ministerial statement was, in fact, given to all of the other parties. If I misspoke or didn't follow it exactly word for word — I do recall making one mistake where I said "experience" and "expertise" in the opposite order to how they appear on the paper, but I don't find it to be of any substance.

Mr. Loukidelis has been given broad-based investigative powers and will conduct this inspection independent of the Government of Yukon. The inspector will have access — and I want to repeat this — to documents and records that he determines necessary for inspection, and he will be in a position to interview anyone whom he chooses to speak with — including Whitehorse Correctional Centre staff, inmates, community members, First Nation governments, First Nation citizens and other stakeholders — to become fully informed.

Thank you very much, Mr. Speaker, for the opportunity to provide the House with this information today.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: *Legal Profession Act* review

Mr. Cathers: Yesterday, we learned that the Minister of Justice did not seek advice from the Conflict of Interest Commissioner prior to involving herself in decisions on the *Legal Profession Act, 2017*. The minister is a lawyer, and the act sets out the rules governing that profession.

The former Premier, as a pharmacist, sought advice with the conflicts commissioner when the rules affecting that profession were under development, and he was advised by the commissioner to recuse himself from decisions related to the *Pharmacists Act* and the pharmacist regulations.

In a situation that seems somewhat similar, the Minister of Justice told us that she did not actually seek the advice of the Conflict of Interest Commissioner prior to her involvement in changes to the rules governing lawyers.

Can the minister explain to this House what she sees is the difference between her situation and that of the former Premier?

Hon. Ms. McPhee: The question itself that I had put to me yesterday and today indicates a foundational misunderstanding of the *Legal Profession Act* and its purpose. The *Legal Profession Act* regulates the legal profession in the territory through the establishment of the Law Society of Yukon. The duty of the society is, first and foremost — and I quote: "To uphold and protect the public interest in the administration of justice..."

Let me just say, before I carry on, that this is different from any other profession — in addition to the fact that the former Premier owned a business for which he was the primary pharmacist or an employee. Nonetheless, that is not the case with respect to my history.

Yukon's conflict-of-interest law for members of this House clearly defines that a conflict of interest arises when a member or a minister — quote: "(a) uses to further their own private interest information that they acquire because of their office but which is not available to or accessible to the general public; or

"(b) uses their office to further their private interest by influencing a decision to be made by another person, regardless of whether that person is a public official."

I will end my answer there and hopefully have the opportunity to continue.

Mr. Cathers: That's a pretty thin explanation. I would like to quote from the minister yesterday: "I did not seek advice of the Conflict of Interest Commissioner because I was not then or now in any conflict."

Let's walk through that. The minister tells us that she's certain she's in no conflict, yet she never actually asked the Conflict of Interest Commissioner, who, according to the website, has the job of assisting Cabinet ministers in — quote: "... identifying areas of possible conflict, and to provide them with advice on preventing conflicts from occurring."

The minister says she's in no conflict, but she did not actually ask the one person whose job it is to identify perceived or real conflict of interests for advice on that matter.

Mr. Speaker, does the minister believe it's up to her or to the Conflict of Interest Commissioner to identify whether or not Cabinet ministers have a potential for a perceived or real conflict of interest?

Hon. Ms. McPhee: Our conflict-of-interest law goes on to indicate that "(c) except as allowed under section 5..." — which are allowable fees, benefits and gifts — if a person accepted "... a fee, benefit, or gift in connection with performance of their public duties as Member or Minister", they would, of course, be in conflict.

Mr. Speaker, I was, and remain, in no way, shape or form, in conflict of interest with respect to the amendments to the *Legal Profession Act*. In fact, it is my job to have worked on those, guided by the Department of Justice and later guided by this Legislative Assembly in bringing forward a bill. If the member opposite is intending to launch a complaint with respect to that, I would relish the fact that he would take this issue outside of this Legislative Assembly so that I would be able to address it appropriately there. At no time was there any requirement for me to speak with the Conflict of Interest Commissioner because I can read this document, Mr. Speaker.

I in fact did read this document. I made an assessment with the assistance of the Department of Justice and my advisors there that, in fact, there was no issue because none of (a), (b) or (c) has been conflicted or breached in this situation.

Mr. Cathers: To be clear, we are not in a position here today to determine whether the minister followed the standards set out in the law or failed to do so. The only conclusion that we are making is that the minister should have sought the advice of the conflicts commissioner prior to involving herself in decisions on the *Legal Profession Act* to avoid the potential of a real or perceived conflict of interest.

The former Premier, a pharmacist, sought advice of the conflicts commissioner when rules affecting his profession were under development and, on the commissioner's advice, recused himself from decisions. Although the minister did not check with the conflicts commissioner first like she should have, it is not too late for the minister to immediately seek the advice of the conflicts commissioner on three questions: First, should she have recused herself from decisions on the *Legal Profession Act*? Second, should another minister move the motion for third reading on the *Legal Profession Act, 2017*? Finally, prior to involving themselves in decisions related to rules governing a profession of which they are a member, should ministers seek advice from the conflicts commissioner?

Will she do that now?

Hon. Ms. McPhee: I appreciate that it is the opinion of the member opposite that I could have — or I think he said “should have” — sought the advice of the conflicts commissioner, but it is exactly that, Mr. Speaker. It is advice. It is guidance. It is not someone else making that decision for you.

As a result, I reviewed the conflict-of-interest process. I reviewed my actions and whether or not I was getting any private interest, whether I had any opportunity to influence a decision that would be inappropriate, or whether I was receiving any benefit or gift for the purposes of working on this file. As a result, the decision was made that, in fact, I was not in a conflict.

I think it is necessary, clearly, based on the laughing coming from the other side — and I appreciate that you are entitled to your opinion and that every member in this House is entitled to their opinion, Mr. Speaker, but in no way, shape or form was I in a conflict of interest with respect to the amendments to the *Legal Profession Act*. In fact, it was my job to do them.

Question re: School replacement

Mr. Hassard: On November 14, the Minister of Education tabled a legislative return that lists seven schools that she is considering for renovation or replacement. The document, which is signed by the minister, goes on to state — and I quote: “This planning has culminated in the identification of several schools as a priority for renovation and/or construction over the period of 2018 to 2024.” I continue to quote: “A number of these projects are being considered as part of the Department of Education’s 2018/2019 Five Year Capital Plan...”

The minister has left the Ross River School and the Nelnah Bessie John School in Beaver Creek off of the list of schools that she is considering for the five-year capital plan. The minister's list lines up almost perfectly with the education seismic report. According to the seismic report, the estimate is \$18.9 million. Can the minister tell us if the renovations that she is considering are the \$18.9 million estimate in the seismic report?

Hon. Ms. McPhee: I appreciate this question yet again. I think I was asked a version of this yesterday and I am happy to try to answer it again today.

I think I adequately explained — at least I hope I did — why the Ross River School does not appear on that list. As noted yesterday that the list — and I do not have the document that the member opposite is referring to in my hands, so I hesitate to comment on it and so I won't, but I will say that the list of schools that appear in the legislative return that I tabled on November 14 does in fact indicate a list of the schools primarily based on the age, the state of repair and the seismic issues with respect to the school.

Mr. Hassard: As we highlighted, the minister did provide that list of seven schools that she is considering renovating or replacing and, as I said, this list aligns almost perfectly with the department's seismic report. The only school that was identified in the seismic report that the minister left off her list was the school in Beaver Creek.

I'm curious as to if she is considering these schools as part of the five-year capital plan — then we would hope that she has a cost estimate for these seven schools. Could the minister tell us which schools will be renovated and which schools will be replaced?

Hon. Mr. Mostyn: I can assure the member opposite that building maintenance is managed by Highways and Public Works, and we're in collaboration with the government departments that use the buildings. When a repair is identified, it is prioritized according to scoring criteria that include an assessment of the health and safety issues within the building itself.

The capital maintenance process is designed to be responsive to emerging needs and unforeseen issues, which means the lower-priority projects are sometimes delayed to accommodate higher-priority projects. That means it is fluid, Mr. Speaker. The member opposite has a list of schools that she has identified as being in need of repair. That list will be assessed. The renovation or replacement decisions consider factors such as the expected lifespan of the building, the overall condition and how well it functions in the delivery of programs and services. Again, Highways and Public Works collaborates with these departments — in this case, Education — and the building users in developing asset renovation or replacement recommendations.

This is a fluid list; it changes all the time. Recent events in buildings can crop up and we have to deal with those. That takes money away from the building maintenance envelope. I thank the member for his questions and will tell him that these are fluid issues; they are constantly changing.

Question re: Wildlife management

Ms. White: Yukoners were shocked this fall as the number of bears killed in the territory rose to well over 60 this year. Conservation officers had the unfortunate task of killing bears viewed to be in conflict with humans, when they would much rather be protecting them.

In our neighbouring jurisdictions of Alberta, Alaska and the Northwest Territories, before a bear in conflict with

humans is killed, a species biologist and wildlife conflict specialist would be involved in the final decision. Their training and profession is there to assist the conservation officers in the best management of species.

Mr. Speaker, does the Department of Environment follow this protocol when there is conflict with bears in Yukon?

Hon. Ms. Frost: Thank you for the question. I am not able to respond directly to the question. I will have to refer it to the department for the specific details on how they interacted and their response. I'll be happy to provide that response.

Ms. White: The answer to that question is no. Former Department of Environment employees have brought their concerns to us about the management of bears in the territory. They have pointed out to us that the published grizzly bear numbers have remained unchanged since the 1980s, although they are currently on the list of species at risk as a special concern. Mr. Speaker, grizzlies have not been studied — or followed up on — since the report from 2012. With a grizzly hunting ban in British Columbia about to come into place, it is likely we will be seeing increased pressures on grizzly hunts in Yukon. If we are to manage and protect our wildlife in Yukon, we need comprehensive and accurate information. Without that we are, at best, guessing, and at worst, not protecting our natural resources.

Mr. Speaker, can the minister tell Yukoners what is being done to collect accurate data on grizzly bears?

Hon. Ms. Frost: We have a grizzly bear conservation and management plan. There was quite an extensive consultation that happened recently. The grizzly bears are an important part of Yukon species and have been identified as a species of special concern by the Committee on the Status of Endangered Wildlife in Canada. We are working with the Yukon Fish and Wildlife Management Board to develop a management plan to help guide decisions related to grizzly bear conservation and management in Yukon.

Our working group has been working with Yukon First Nations, Inuvialuit, renewable resources councils and stakeholder groups in communities to gather perspectives on grizzly bear management across Yukon. Yukoners submitted feedback through a public survey this past May. The working group hosted a workshop with First Nations, Inuvialuit and renewable resources councils about a draft management plan.

I note that the decision around the grizzly bear management plan came from the expressions from Yukon First Nations, Yukon hunters and Yukoners who were concerned, and certainly, that is something that the department will take under serious advisement and implement a grizzly bear management plan as committed to.

Ms. White: Mr. Speaker, according to the department website, there are only five completed wildlife management plans in the territory. Four were completed in 2012 and one in 2016. They include the Aishihik wood bison, the Chisana caribou herd, Yukon elk, wolves and amphibians.

Mr. Speaker, we do not have data on our grizzly population, wolverines, or even the little brown bat, which is ranked as critically imperiled and vulnerable. Our

conservation officers do a great job on the front lines of wildlife management, but without current, accurate information on species health, they're without a road map for making decisions around protection.

Mr. Speaker, if conservation officers are to make evidenced-based decisions on wildlife management, how are they to do that without information from species biologists?

Hon. Ms. Frost: Great point. Certainly, the department takes under advisement all of the information it receives from the experts on staff. We have caribou biologists, we have bear biologists, we work with the Fish and Wildlife Management Board and other interest groups and experts to devise and design policies and protocols.

We are working currently on a management plan, for example. There are conflicts happening with elk and we have had — the earlier question, the first question in the House, really talked about the negative human-bear interactions.

One of the members opposite recently — perhaps it was the Member for Kluane — spoke about how it is really about how we educate humans. How do we educate for the interaction, look at human-wildlife conflicts and what can we do differently to educate and prevent these conflicts from happening? So lots of education is required and lots of management plans are required. Adjustments and changes are required as things escalate and bears become accustomed to perhaps easy access to food sources. Successful resolutions really come from interaction, collaboration and cooperation. The self-government agreement defines a process under chapter 16 about co-management arrangements.

As well, we will work with the Fish and Wildlife Management Board and our partners to resolve some of these questions that are being posed today.

Question re: Student support services

Ms. Van Bibber: I thank the Minister of Education for tabling the document today — hopefully answering the questions I have asked this last couple of weeks. As it has just been tabled and I haven't had time to review it, perhaps the minister could give me an answer for the record.

Is there a backlog for students to receive support services from her department — yes or no?

Hon. Ms. McPhee: I appreciate the question from the member opposite. I think it depends, I guess, on what you determine to be a backlog, but certainly, some students are waiting — and the document indicates this — between two and four weeks from the time that an issue that may have arisen and is identified by a parent or by a school official. I will back up to say with respect to the two to four weeks that, first of all, the process is that a parent or someone in the school identifies an issue and they can bring it to the attention of the school officials. At that point, an internal-to-the-school group makes an assessment of the matter and whether it goes forward. They consult with the department and a consultant is assigned — one of the 21 consultants who work in the department — with various skill sets, whether they be psychologists, speech therapists, et cetera. As a result, if an assessment is determined to be necessary by one of those

consultants, there is a wait of between two to four weeks before that process begins.

I stand to be corrected because I don't have a copy of the tabled document before me, but I am happy to answer more questions about that either today or later as the member opposite has an opportunity to review it.

Ms. Van Bibber: I understand the time frame. We were just wondering how many were in line to get in to the consultant. If we knew those numbers, then we could determine and wonder how long before the backlog would be eliminated in the process that is going to be happening. If you don't have the answers, perhaps you can return them to me later.

Hon. Ms. McPhee: I think I should take the opportunity to say that I think the answers are in the document that I returned today. I apologize for not having a copy of it with me. I would be happy to read that to you. There is a chart included in that return that indicates how many students are at each and every stage of the process. I'm sure that will be helpful.

Question re: Francophone high school

Mr. Kent: I have some follow-up questions from yesterday on the new francophone school for the Minister of Education. Yesterday, I asked the minister if she could let us know what the government projects the O&M costs for the new francophone school will be, and whether or not there will be corresponding O&M decreases to other schools as some students make the choice to move from those schools into the francophone school. The minister responded by saying — and I quote: “I do know that work has been done. I don't have the number at my fingertips with respect to estimated O&M for the new French first language secondary school.”

Mr. Speaker, considering the minister says that the work is completed, is she in a position to share that number with us here today?

Hon. Ms. McPhee: No, I'm not in a position to share that number with you today because I indicated yesterday, Mr. Speaker, that I would return that to this House. I suppose 24 hours maybe is too long, but I apologize for that, if that's the case. I'm happy to obtain those numbers from the department and answer the question fully in a legislative return, presumably before the end of this session, and I have no reason to believe that can't be done.

Mr. Kent: Again, it has taken two weeks to get a legislative return on Student Support Services so we are hoping for the minister to have that simple number — she said the work had been done here today — but that's okay. We'll wait for a legislative return and hopefully it arrives before Monday.

Yesterday, I asked the Minister of Education if the current construction estimates for the francophone school received by the government are within the current budget envelope that they've set of \$27.5 million. The minister deferred this question to one of her colleagues, so I guess I will direct this question to the Minister of Highways and Public Works or whichever minister is responsible.

Can the minister confirm if the current construction estimates received by the government for the new francophone high school are within the budget envelope of \$27.5 million?

Hon. Mr. Mostyn: I thank the member opposite for the question. We are in the process of coming up with a final design for the school. Once we get that final design, we will have an idea of how much that school is going to be costed at, but, at the moment, we don't have that final design. To the member opposite's question — no, I can't give him the answer on the floor of the House.

Mr. Kent: I thank the minister for that response. We'll look forward to receiving those numbers when they come in. The Minister of Education did set that \$27.5-million hard cap yesterday for the school, so we'll look forward to getting those initial construction estimates.

Mr. Speaker, my final question — I was talking last evening with Riverdale residents and there is still concern in that subdivision with the potential for increased traffic with the development of the new francophone school. I'm just curious — are all the traffic studies completed with respect to how this project will impact Riverdale? If so, can the minister table them for me, either today or at a future date?

Hon. Mr. Mostyn: We've been working very closely with our partners at the City of Whitehorse on traffic studies. I know the members — the representatives for Riverdale — have been working very hard with their constituents on these issues. I believe the traffic studies are done. I will look into it for the member opposite and, if I can table it, I will certainly do that.

Question re: Housing programs

Mr. Istchenko: On November 9, the minister responsible for housing told us that she was planning a review of the criteria for social housing, seniors housing and staff housing.

Would the minister be able to provide more detail on this review, including when it will be completed?

Hon. Ms. Frost: We will provide the information when we conclude that assessment. Right now, I'm not prepared to do that.

Mr. Istchenko: I guess there is no detail.

Regarding the minister responsible for housing's review of the criteria for social housing, seniors housing and staff housing, I had a question about staff housing. Obviously there are government employees who utilize staff housing in our communities. Will the review be looking at limits on the length of time that staff housing can be used?

Hon. Mr. Mostyn: As the Minister responsible for the Public Service Commission, I am certainly very interested in this department about staff housing. Right now, we have a number of different initiatives that we're looking at — in conjunction with my colleagues, the minister responsible for housing and the Minister of Education. All of us are working together to try to improve our staff housing portfolio.

We are also looking at how we allocate that, how we allocate that more fairly and how we actually manage those

staff housing units. There is an awful lot of work to be done on this file. It has been a file that has plagued the Yukon government for a long time, and we are going to make some very good decisions going forward that will improve the staff housing issue for our communities, this government and the good people who work for us.

Mr. Istchenko: I think the minister alluded to a few, but I would just like to get on the record today — regarding the review of the staff housing, who will be consulted?

Hon. Mr. Mostyn: I'm happy to stand up about our new engagement website that just launched in the last couple of weeks. That website has a wealth of information for people looking at our engagement activities. Those engagement activities are really quite important initiatives for this government. I know that, as we roll out our engagement on the staff housing initiative, the member opposite will find more than enough information on that website.

Question re: Workplace harassment

Ms. Hanson: A few weeks ago, I asked the Minister responsible for the Public Service Commission whether he had any indicators regarding the pervasiveness of harassment in the public service workplaces. He indicated that he takes the matter seriously.

Can he now tell this House what measures he has taken to determine the extent of harassment in public service workplaces?

Hon. Mr. Mostyn: I thank the member opposite for the question. This is indeed a very important issue to this government, to me personally, and — I know from our conversations — to the member opposite. Our government believes that a respectful workplace is essential for employee morale, mental health, productivity and, ultimately, for good public services delivered to Yukoners.

Harassment generally, and sexual harassment specifically, is a societal issue that the Yukon government, as an employer, does not condone. I do not condone it personally. I have spoken with my departmental officials and I broadcast that fact as part of my own personal initiative to try to reverse this cultural problem that really plagues every jurisdiction in this country and jurisdictions beyond this country's borders. It is something that we have to deal with, and I think the biggest action we can take is personal. I encourage all members of this House, and anybody who is listening to this, to actually step up and root out harassment at its base.

I do have information on specific numbers for the member opposite. I have been looking into this. I was, just today, talking to the department about getting a fulsome answer to the member opposite. I am more than happy to do that.

Ms. Hanson: I appreciate that the minister has stated his personal commitment to addressing harassment in the workplace, and I believe him. However, as minister responsible for the public service, he has the keys to the toolbox to make sure that all employees in Yukon's public service can enjoy a harassment-free workplace.

Does the minister believe that the Respectful Workplace office and the public interest disclosure of wrongdoing legislation provide adequate protections and support for employees? If not, what changes does he propose making?

Hon. Mr. Mostyn: I can tell the member opposite that the Respectful Workplace office, since 2013, has received approximately 1,200 complaints. Almost all those complaints are framed as harassment or bullying, and most are the result of interpersonal conflict.

Do I think this tool is effective in dealing with workplace violence, harassment, problems in the workplace? I have every confidence in the staff to do the job that they've been tasked with doing.

Do I think it's the only tool we should be using? No, it is not, Mr. Speaker, and I intend to make further announcements on this front in the coming months.

Ms. Hanson: One of the indicators of an unhealthy workplace is staff turnover. The scenario is that there is harassment, and an employee, or the harasser, is moved, often laterally. It is not always consistent across the board, but it may arise in certain workplaces and units.

Will the minister request an overall review of staff turnover, with a special focus on those workplaces in the public service where there has been significant turnover?

Hon. Ms. Dendys: I just wanted to chime in a little bit on this question, as it has come up a couple of times in the House. Last week, we had a tremendous accomplishment on behalf of this government to pass legislation that will prevent psychological injury in workplaces, which we know will certainly go a long way toward protecting the safety of all Yukon workers in the Yukon.

This is certainly a piece of legislation that all members of the House supported and we are looking forward to the development of these new regulations for all Yukon workers. We have been without clear regulations and legislation to address these issues for many years. It was a huge accomplishment for this government and collectively this entire House to pass these new regulations.

As I stated last week, this government is absolutely dedicated to the well-being of people in the Yukon, particularly our public service.

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. 19

Clerk: Motion No. 19, 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 fulfill its election commitment and immediately appoint a

non-partisan commission on electoral reform to engage and collaborate with Yukoners in order to:

(1) propose the best system to replace the first-past-the-post voting system, including consideration of proportional representation;

(2) consider fixed election dates;

(3) consider legislative amendments in order that voters have the final say when a Member of the Legislative Assembly changes caucus affiliation after being elected; and

(4) consider banning corporate, union and Outside contributions to Yukon political parties.

Ms. Hanson: I am happy to rise today to speak to this motion and to the importance that many Yukon citizens place on efforts that we, as Members of the Legislative Assembly, make to consider reforms that will help strengthen and renew our democracy and the participation of citizens in the democratic process.

When I put this motion forward, I had given thought to the reality that this is not the first time that a motion of this nature has been debated in this Legislative Assembly and so I thought that I would just spend a minute or two just re-counting for members — because sometimes we think that where we are is where we are and we're just starting from this point and going forward — but in fact there is a deep history of efforts made by citizens and by Members of the Legislative Assembly to get a public conversation on electoral reform broadly in this territory.

As I was preparing for this, I came across some minutes of the electoral reform meeting that was held in February 2011. It was a group of people who were talking about the work that had been done over the last 16 years or more, starting with a piece that had been done in 2001, which was a brief history of electoral reform in the Yukon by a former Member of this Legislative Assembly, Jack Cable, and a gentleman who was introduced here yesterday — well-known to all members here — Kirk Cameron. That was a background paper on reform of Canada's voting system about having the right to have your vote count in the Yukon. Yukoners have been engaged with this subject, Mr. Speaker, for a long time.

In 2002, three independent Members of the Legislative Assembly travelled to Yukon communities to discuss electoral reform. They were Wayne Jim, Mike McLarnon and Don Roberts. I would imagine at that time they were former Liberal members, then Independent.

In 2002, the Law Commission of Canada published a discussion paper on electoral reform. In 2002, interestingly enough, the Yukon Party election platform promised, upon formation of government, to strike an independent commission of citizens to hold public consultations on electoral reform in the Yukon — the Yukon Party, Mr. Speaker. This commitment was reiterated in the February 27, 2003 Speech from the Throne and in a speech from then-Premier Fentie to the Whitehorse Chamber of Commerce.

So you can see that this is truly a non-partisan issue. All three parties have made commitments to electoral reform.

In 2005, former Commissioner Ken McKinnon, who had been appointed by the Yukon Party government to go and sort of monitor what was going on in the first BC sort of referendum process, essentially dismissed the idea and suggested that the government focus on legislative renewal. Then — surprise — two years after making the public commitment in the Speech from the Throne in 2003, in 2005 the Yukon Party Premier told the *Whitehorse Star* that the Yukon doesn't need electoral reform anymore. Citizens for Electoral Reform Yukon launched a petition calling for the establishment of an electoral commission and a referendum process to choose the preferred option. They were looking to have the opportunity to have input on the preferred option, not to have government dictate it. Petition, No. 11 calling for the establishment of an electoral reform commission and a referendum process to choose the preferred system was tabled in the Legislative Assembly on December 1, 2005 with 700 signatures — a pretty significant number of signatures by any stretch of the imagination, Mr. Speaker.

In 2006, the Law Commission of Canada sent representatives to Whitehorse to meet with the press and to speak on electoral reform at a public meeting. In 2006, the Citizens for Electoral Reform Yukon wrote to the party leaders in advance of the 2006 election asking them to state their party's position in the creation of an electoral reform commission. The party leaders replied. The NDP and the Liberals supported it. The Yukon Party is reported as being noncommittal.

Mr. Speaker, there have been a number of other matters — and other noted ex-Yukoners. Ken Coates has spoken in Yukon — I think I attended that one — on the New Zealand experience of electoral change. That was in 2009. There was a panel discussion in 2010 and a debate on electoral reform, with six panelists.

Mr. Speaker, the issue and the history in this territory of Yukoners having a passionate interest in having a say in the future of any decision with respect to possible changes to the electoral system and matters that are related to that — it goes back a long way. It also speaks to the fact that this is a subject matter that can be addressed in many ways.

In 2012, as Leader of the Official Opposition at the time, I had put forward a motion to attempt to get the government of the day to allow a process, very similar to what we are talking about today, to establish either a select committee. In 2012, I proposed a select committee on democratic reform — and I'll quote here: "to meaningfully consult Yukoners during the spring and summer of 2012". We had set out some timelines with that, Mr. Speaker, given the fact that citizens get awfully cynical about governments that don't set out timelines and don't set out targets for completion of activities. So we had said that, during the summer and spring of 2012 — for the purpose of receiving views and opinions of Yukoners and interest groups on the means of improving our democracy, including, but not limited to, reviewing electoral processes — and at that time, we were talking about amendments to the *Elections Act* because it was so outdated. We have since seen the *Elections Act* amended and we're now in the process of

completing the implementation of that act. So we were talking about reviewing the electoral process, consideration of fixed electoral dates, and consideration of proportional representation.

Mr. Speaker, we had talked about that committee having the power to call persons, papers and records and to sit between sittings — intersessional periods.

I also note that my predecessor, Todd Hardy, who was the MLA for Whitehorse Centre as well as the Leader of the Yukon New Democratic Party, on November 4, 2009 — in the period from the very beginning of the 2000s, there had been these groups of people, primarily — well, Todd didn't seem to be part of that group for electoral reform, but he was seized by the importance of democratic renewal. He proposed Bill No. 108, called the *Legislative Renewal Act*, which had been preceded by a much longer one, which was Bill No. 107, which was a democratic reform act.

But he was able to achieve the approval of all members of the Legislative Assembly on November 4, 2009 to establish a select committee. All parties agreed that, among other things, they would establish that committee. In terms of its objective of achieving legislative renewal, they would establish an electoral reform commission with the purpose of conducting public education and reviewing methods and options to be used for territorial elections, fixed election dates, lobbyist rules, et cetera. All parties agreed to that, Mr. Speaker.

Unfortunately, the Liberal Party and the NDP appointed their members, and then the Premier, I think, called the first meeting and then decided they were not much interested in this anymore. Every four years, he seemed to go through this cycle of, "No, I'm not that interested in it." In 2002, he was interested. In 2003, in the throne speech, he was interested — in 2005, not so much. Similarly, in 2009 — it didn't take him four years this time — it took him about a couple of months to come to the conclusion that the committee was not going to meet.

So I think there is a strong and proud tradition of Members of the Legislative Assembly from all parties demonstrating a keen interest in allowing Yukon citizens to have a say in how their members of this Assembly are chosen, on having a say in other matters that reflect on the exercise of parliamentary democracy — that speak to the kinds of certainty that allow members of the public to have assurances as to when elections will be called so that elections don't become political tools of majority governments, but actually allow for both the effective management of government activities within a known time frame, because they know they have a mandate of, say, four years. They have a job to get done and they will be held to account for that. Then they can't game the system, as we saw perhaps happening a little in this last go-round when it came to eligibility for pensions or whatever.

All I'm saying is that citizens get cynical when there is a perception. If it is not a reality, it is certainly a public perception, because the polls will tell you that we are not held in very high esteem. We have a lot of work to do to regain the respect and the trust of our citizens. It is not a truism; it is a

fact that trust has to be earned, and earned and earned over again. You can't expect it.

In the spring of 2012, when we spoke to these ideas before — some jurisdictions in Canada do have fixed dates. Some would argue that the fixed election dates may provide, as I said earlier — I alluded to the notion of a level playing field. There are criticisms of it too, Mr. Speaker. Some would say that fixed dates lead to lame-duck governments. Well, I don't think you have to have a fixed date to be a lame-duck government, quite frankly. You just don't do anything or you do the wrong things.

But that is neither here nor there. What I think — or, with respect, what members of this Assembly think — is not so important. What is important is what our citizens think, and we need to hear from them. We think the public should have a say in this — as I said, on fixed dates and other matters.

One of the things that the motion alludes to is that we currently — the wording, as it is right now, is to propose the best system to replace the first-past-the-post voting system. Now, this is one of the more challenging aspects of this motion.

There has been a lot of debate about it and many letters to the editor and a national process that dashed the hopes of millions of Canadians who thought that the federal government was actually serious about it when they made those public statements during the election: "Your vote should count and we will change the system." That political expediency probably has contributed to the cynicism that exists out there about whether or not any government — any political party — would ever agree to seriously review it. The current system that we have is in fact the first-past-the-post voting system. We can call it the current system — we can call it whatever we want — but that is what it is. I know that I am not the only one. I know that the Premier and for sure the Leader of the Official Opposition will have received correspondence and had meetings with people who have views on the issues of proportional representation.

We know that in Canada and in all the provincial and territorial elections — so far, anyway — we all use the single-member plurality system, first past the post. It has revealed serious weaknesses and those weaknesses have been documented by many. You can produce legislatures that reflect false majorities or the perception of a false majority. In the Yukon, we consistently have governments that are elected as a majority with less than 40 percent — 39 seems to be the magic number to create a majority of seats, but then the majority of seats doesn't necessarily reflect the majority of voters' interests.

It has been argued that changes should provide a more accurate representation of the popular vote and interests within the regions of the territory.

I will be the first to say that I don't know, and I wouldn't advocate for any particular system. What I am saying in this motion is that the Government of Yukon, in addition to fulfilling its election commitment to appoint a non-partisan commission on electoral reform, needs to be open to the possibility that citizens will come up with an alternative to the

status quo — that they will say, “You know what, we have another idea.” I say this with respect, Mr. Speaker, because over the course of 20-some years of sitting around observing and being at various tables and negotiations, I came to the self-government negotiations in particular with a particular view of how democracy was to be exercised in the sort of parliamentary Westminster system that we have come to know and use. We’re accustomed to it in Canada.

When you listen to people step back and say, “Well, that’s not always the way it has been in North America. We have other means of having democracy exercised and of having peoples’ voices reflected in the common” — maybe we start to see that there are different ways of ensuring representation, of ensuring that the voices of a group of individuals is reflected in how decisions are taken. I say this as a way of trying to illustrate how we come at a discussion is so often coloured by our experience. Sometimes we have to take a different coloured lens and apply it, and maybe we might see things a little differently.

For example, it took many years for the federal departments of justice, the Privy Council and others to begin to appreciate that the clan system that the Teslin Tlingit Council had in place for millennia could in fact serve — and did serve — that community as their form of democratic representation.

For most of us in this Legislative Assembly, it is a stretch. It was a stretch. Twenty years on, my observation is that I would say that it is working. It is not what I grew up with. It is certainly not the parliamentary system, but it certainly engages citizens. I would wager that if we sit in a general assembly at the Teslin Tlingit Council and watched the dynamics of clan members as they debate issues and they inform their five clan representatives on issues and positions, you get a whole different approach in terms of what it means to be civically engaged than perhaps we do through our SurveyMonkey surveys. This is actual people talking with each other about issues that they face today and on a day-to-day basis, from water and sewer to land use planning to trans-boundary negotiations to justice.

There are different ways, Mr. Speaker, and the motion simply proposes that we, as a Legislative Assembly, agree to appoint a non-partisan commission to deal with electoral reform, and we have put in here matters that are illustrative of the subject matters that could be dealt with.

As I’ve said, there are other issues and it shouldn’t be limited. We should not be saying that an independent commission is limited and cannot engage in conversations that citizens may want to raise, because I can foresee that the commission would hear opinions from Yukoners on a range of topics that are central to our democracy.

The issue of election financing, as we all know — that is why we put this in as an illustration, but we know that citizens are concerned and have expressed it and other jurisdictions have moved to limit political donations. There are no limits on corporate donations in the Yukon. There are no limits on union donations in the Yukon. There are no limits on election spending by parties and there are no guidelines for election

activities of third parties and we have seen in other jurisdictions how negative the influence of packs is. I would argue that we don’t need it, and I would be interested in hearing Yukoners’ views and what they think about that.

As interest grows — as we are successful in turning the spotlight of the south to the north and as people start saying: “Oh my goodness, this is a place we would like to perhaps live; this is a place we would like to invest in” — who should make the decisions about what investments we want here? Is it those outsiders or is it people who live here and have lived here for generations and foresee their children living here.

In my view, as we heard yesterday from the expert Financial Advisory Panel, there are many decisions that should be up to Yukoners and not to external sources, but there will be people who suggest the opposite and that discussion should be had in public. That is part of the other issue. Some people would say when we look at our democracy and through the process of electoral reform on issues of lobbying — I’m not sure that is in the purview of electoral reform, but I certainly get it from people who say: “Why aren’t you guys talking about that?” Well, it’s a fair matter.

As I said, I’m proud of the history that the New Democratic Party has had of trying to make positive suggestions for improving our democracy. As I said, we previously presented to this Legislative Assembly private member’s Bill No. 107 and, before the previous government finally agreed, we had tried in 2010 to put amendments to the *Elections Act* and we were trying at that time to deal with the process of government leaders dragging out the time frame allowed under the act to call a by-election. I say this quite — in all personal interest here, Mr. Speaker. Todd Hardy died in July and the Premier chose to hold off until the very last minute that was required under the act. He had 180 days and he stretched it out for the 180 days. Now, we thought that it would be reasonable that perhaps you would have 90 days to 180 days and so say, really what kind of gamesmanship do we need to play with leaving citizens without an elected representative for that length of time, but sometimes those things happen.

This motion is pretty — I would say — general. It is the notion that what we’re trying to do is enable us, as Members of the Legislative Assembly, to find means to expand the opportunities for Yukoners to place the public — the people; our citizens — at the centre of the discussion of democracy. There is a saying about democracy — in order to flourish, it has to be a like a garden. It has to be cultivated and nourished, not once every four years, but every day.

That is what this motion offers. It offers an opportunity to not play into the cynicism of Yukon citizens or Canadian citizens that we will hold off and make this a commitment again before the next election, because that is kind of like Groundhog Day. We have been at this for 16 years in this territory, so every three or four years, we sort of get at it again. We’re saying, “Here’s an opportunity.” At least two of the parties made commitments in their election platforms on matters of democratic renewal, democratic reform, dealing

with fixed election dates and allowing the citizens to have their say about the means of representation.

So I think that what we're really saying is: "How can we improve our democratic process in the small territory of the Yukon?" We have done a lot of groundbreaking things in the past. There is no other jurisdiction in Canada that did take or has since taken the kinds of risks inherent in the agreement that Yukon governments — and I say plural "governments" — took in the negotiation and conclusion of land claims and self-government agreements. As we move forward as a territorial government and as we continue to make steps toward full self-government, the means by which citizens exercise their franchise — the means by which they choose who will represent them — should be subject to vigorous debate. We know that Yukoners love to discuss things and they love to discuss things that mean something to them. Politics means a lot to Yukon citizens. The decisions taken in this Chamber mean a lot to Yukon citizens.

So I look forward to the positive response from all members of this House in supporting this motion. I mean, you may have picked up, Mr. Speaker, that this is an area that I have particular interest in. As I was speaking to the Premier this morning, my file on this is really thick. It goes back a long way and represents input from many, many people over the years. It represents many sessions of sitting and listening to people at Fair Vote Yukon meetings, sitting and listening when the parliamentary committee was here to hear submissions from citizens, including one of the sitting Members of this Legislative Assembly.

I have an abiding respect for the intelligence and the integrity of citizens that they know and they are prepared to tell us how they believe that we can take the necessary steps to ensure that both the system by how we elect people to this Assembly, or how we select the people to be representative of Yukon citizens — that they have the wisdom to assist us to make it the best that it can possibly be in Canada, and that they have the right and we have the duty to listen to other matters that they may bring forward that can have a positive impact on the process to ensure that the democratic system that we put in place in this territory, the representative system, works most effectively. This is why those other matters that we put on this motion, as I've already mentioned — the issues of sources of funding, so the notion that we respect that the decisions about how best to govern this territory should be made by people in this territory, which is why we suggest that it is a matter for discussion with Yukoners whether they also believe that corporate, union and Outside contributions should not be allowed and that democracy for the people of Yukon, by the people of the Yukon, occurs in the Yukon and is not paid for or sponsored by somebody else.

We also have heard from citizens who have been, over the years, very angry and upset to have voted for somebody on their representation who stood for certain principles, certain values or certain positions on issues that were manifest in the party, and had then to deal with the reality that after the election, the outcomes weren't necessarily what the individuals liked, or there were personality issues — or who

knows why? But I can tell you the ramifications and negative consequences to this institution of us simply saying, "It's okay, you can cross the floor and change colours" calls into question "On what principles and on what values did you seek my vote?" That is why we introduced a private member's bill a few years ago that would have the discussion in terms of basically floor-crossing — to say that it's not on unless citizens say okay. You go back to your citizens and ask them in your riding. If they're fine with it, then this Assembly should be fine with it, but it is not a game behind closed doors, Mr. Speaker. That is the feedback that got us to say that we are prepared to have that public conversation because Yukon citizens asked us to. We tried before in this Legislative Assembly by means of private members' bills.

These are illustrations, Mr. Speaker. They are illustrative of the kinds of concerns that Yukon citizens have raised with us over the years. None of them are surprises, because they are part of the lived experience that emanates from this Chamber and has an impact on citizens throughout this territory

As I said, in part, it is a motion that addresses commitments that many of us have made both in this Assembly and outside of this Assembly and in our engagements with Yukon citizens around the territory. I look forward to the comments and the input from all members.

Hon. Mr. Silver: I am very pleased to stand to speak to this motion today, and I thank the Leader of the Third Party for her comments and for bringing forth this motion. I do want to thank both leaders of both opposition parties for the fast and furious conversations this morning on this motion.

I do know that there are folks who want to get on to conversations about the budget, so I will be very brief in my comments here today. I always look at that statement and I wonder if I might have just boxed myself in, but anyway. In our 2016 election platform, Mr. Speaker, we did commit to the following, and it was to strike a non-partisan commission on electoral reform and to consult Yukoners on possible options on territorial election reform. That is from our election platform in 2016 and, Mr. Speaker, we intend to do that. The background work on this initiative is currently being done by the Executive Council Office.

So we have been working forward on this. I agree that we can't wait. We can't wait until the last year to start this ball rolling. I totally agree with the Leader of the Third Party on that. When we are ready to make an announcement on this initiative, we absolutely will.

The last thing we want to do, though, is to make this a partisan exercise. We have to take a look at the larger community and we have to take a look at all options. We have committed to doing that. As soon as we have a date ready, we will absolutely engage with the opposition parties, the greater public and others to make sure that the terms of reference are there and how we go down that road — all of that gets defined in an open and transparent manner. I spoke to the leaders of the two opposition parties today, and I have every intention of involving them in those conversations moving forward.

Again, election reform is a very important issue to Yukoners — we heard that. We have committed to striking a commission on electoral reform to consult with Yukoners on possible options. I am making that commitment again here today in the Legislative Assembly, as I did when I was the Leader of the Third Party, and also as I did with the Leader of the Third Party when she asked about this in the spring as well. I will get back to my comments about being the Leader of the Third Party in a second here.

We remain committed to developing this commission — absolutely. Before launching the commission, Mr. Speaker, we are exploring potential options for electoral reform in the Yukon and we will review efforts being made in other jurisdictions.

I did hear today from the NDP that they don't have a preferred option. That is surprising to me — maybe I made an assumption that there was a preferred option out there, because, honestly, on a federal basis or in other jurisdictions, that becomes a problem. Every party has a horse in the race when it comes to what system is best for that specific political party, and we don't want to go down that road. We can say that one of the major differences on this is whether or not the current system needs replacement. I think that is where we can definitely differ in our opinions.

I'm still not convinced that the current model isn't the best system. Let me just draw down on that a little bit. If you take a look at the percentage of the popular vote currently, it hasn't changed. The three political parties did move around, but it didn't change. I sat as the lone Liberal in the Legislative Assembly with 25 percent of the popular vote. I now sit with a majority government with roughly 40 percent of the popular vote. When I was in the Third Party, I didn't use that narrative — that I thought I deserved 25 percent of the Legislative Assembly vote or time. We have had this conversation — I have had this conversation with the other two leaders.

When you go door to door, it's hard to discern if Yukoners are voting for a person or a party. I know that in my riding — feel free to beat me up on these words later on, if the opposition wants to — sometimes people plug their nose and vote. Sometimes people decide, "I'm voting for a party and I would never, ever veer off of that", and sometimes they look you in the eye and say, "I'm voting for you as a person." If I am going to use all of my votes in a riding to determine the popular vote for the party, I think that is a false equivalent.

Again, as the member opposite talked about some of her perspectives on change, I would like to have the opportunity to speak about my perspective on change if I can.

I think what we saw on a federal basis was a real faux pas on that, saying that they are going to change the system. What we are saying is, "Let's get a non-partisan commission to get together and look at all options." I've had this conversation with Fair Vote Yukon. I've had this conversation with others. How do we identify those people who are voting for individuals? I think that's an extremely important conversation and I relish the opportunity to continue down that road of having that conversation.

I do agree with the member opposite when she talks about the set election dates. Without having the set election dates, this can become a political tool. I won't reiterate the words from the Third Party, but I will add to them is the uncertainty for the public servants, not knowing who is going to be making the decisions and when to make decisions. We heard a lot of, "Let's wait until the election is over before we move forward on certain things." That happens in a public service as they are waiting to see: Is there going to be an election in the spring? Is there going to be an election in the fall? Are we going to start moving forward on an initiative that is going to change based on the political mandates of the three political parties? Again, the uncertainty that it brings to the public servants, therefore our economy, is an extremely important piece to note when we get into the debate on what needs to be changed. We did campaign on set election dates.

Again, here is the most important piece to me: We are going to leave it up to a commission to collect the views of Yukoners and come up with an option or different options. We do recognize that there is interest from some members of the public to have this debate. We absolutely recognize that. That is why we put it into our election platform. We are going to make this happen. We committed to it and we will.

With respect to the fixed election dates — again, we committed to that. I just want to speak a little about process. It's pretty interesting — as a political party that wants to engage, it struck me today how hard it is to work together on a Wednesday. I was down in the two other opposition offices — busy people doing busy things, everybody preparing for the afternoon debate. To come in and just start talking about, "Let's work together on something. Let's talk about an amendment. Let's talk about something we can all agree on." That puts a big strain on opposition.

I want to commend both opposition leaders for taking the time today to speak to me under the auspices of working together. To me, as we're talking about changing other things, it begs a question about what we should do with our Wednesday debates. What are we trying to accomplish in our Wednesday debates? I want to accomplish more as far as working together on things that we can all stand behind and have a dialogue on. We would love to have people from the general public feel like they want to come in on a Wednesday and listen to the conversation because they are hearing intellectual debate on issues that haven't already been decided. That's a really important piece, and I want to work with the opposition on how we do that. How can we do that more on Wednesdays? That's not to say that it doesn't happen all the time on Wednesdays but, again, it's kind of set up in a way that makes it really hard to work together in a limited time space for these things.

I have some ideas on that, Mr. Speaker. I'm sure you have some ideas on that, Mr. Speaker, as the — for lack of a better term — referee here in the Legislative Assembly watching the debate. I'm sure every MLA in this room — I'm sure the pages as well — has some opinions on how we can do better on Wednesdays — not to mention Hansard.

I do want to propose a friendly amendment to the motion put forth from the Leader of the Third Party, again, in the spirit of working together and to make sure we do what other governments in the past haven't necessarily been able to accomplish, and that is to actually get this process moving forward.

The friendly amendment is going to be confirming that we are appointing a commission. We can all agree on that — that we want to appoint a non-partisan commission on electoral reform. It also confirms that we are moving forward on fixed dates for elections. I think we can all agree on that, from the conversations that I've had with the two opposition parties today and our caucus as well. We can move forward on that; this is all in agreement.

It also confirms that we will consider other changes to the Yukon electoral system. I want to leave that open. Again, if we get too prescriptive, that's political parties getting out front of something, and what I would rather do is have the commission have a robust process without setting other things that may be perceived as a list of priorities or those types of things.

Amendment proposed

Hon. Mr. Silver: I move:

THAT Motion No. 19 be amended by

(1) deleting all the words after the phrase "to fulfill its election commitment"; and

(2) adding the following words: "by appointing a non-partisan commission on electoral reform to engage and collaborate with Yukoners; consider fixed election dates; and consider other changes to Yukon's electoral system."

Speaker: Does the House wish to recess for 15 minutes?

All Hon. Members: Agreed.

Speaker: There is unanimous consent to recess for 15 minutes.

Recess

Speaker: Order, please. Is there anything further from the Hon. Premier?

Hon. Premier, have there been any developments with respect to the wording of the proposed amendment?

Hon. Mr. Silver: No, Mr. Speaker. The wording is as succinct as we left it. I don't know if the process is for you to read it in to see if it meets the requirements of that House, but I will wait for that, Mr. Speaker.

Speaker: I have had an opportunity to review the proposed amendment with Mr. Clerk and can advise that it is in order in form and content.

It has been moved by the Hon. Premier:

THAT Motion No. 19 be amended by

(1) deleting all the words after the phrase "to fulfill its election commitment"; and

(2) adding the following words: "by appointing a non-partisan commission on electoral reform to engage and collaborate with Yukoners; consider fixed election dates; and consider other changes to Yukon's electoral system."

I might suggest that, where there are semicolons, perhaps those could be commas, but I will leave that to the infinite wisdom of Hansard.

Hon. Premier, on the amendment, you have 20 minutes.

Hon. Mr. Silver: I won't take those 20 minutes. I will start with thanking the opposition members for the conversation. Thank you, Mr. Speaker, for the opportunity to take a break and to work together with the opposition on this proposed amendment.

I will just start by saying that working together is difficult. I'm not saying that in a cynical way. We all are very passionate about our jobs and we all bring the perspective of our political parties and our constituents to bear when we have these discussions. I can see why silos happen — because working together is difficult. We will continue to try our best to work together on as many things as we possibly can.

This is what I am trying to accomplish. I'm trying to accomplish an amendment to the motion that we can all agree on. I believe that, by changing the original motion to say yes to fixed election dates, yes to a non-partisan commission on electoral reform, and then working with the opposition and considering other changes to the Yukon electoral system, that is where we all can agree.

I know the member opposite — the Leader of the NDP — would like us to add to that — and we have discussed this a few different times today — a specific date that the commission shall report to the House. I would love to be able to say yes to that right now and say what the date is, but I can't in good faith do that without hearing back from my department on all of the things that they are working on currently, when we are talking about the potential options. There is work being done by this government right now, exploring potential options for electoral reform, making reviews and looking at other jurisdictions. That work is happening right now because we, as a political party, said we were going to do that and we are working on that.

Now this motion — as the Leader of the Third Party would say — isn't new. This is what the NDP have been talking about for awhile. This is what we have both been hearing for a long time, but I need to get a little bit of leeway here. There is a process, and we have been moving forward on this process since being elected. For me to now say that I'm going to pick a date for this committee to report back — I'm not ready to make that statement right now.

I understand, as well, that it is once bitten, twice shy with opposition members working with government before — saying that this has happened before, that this is Groundhog Day, and the fear is that we will not get this done in time.

My fear is that, if we set dates without knowing the ramifications of the actions that need to be done beforehand, it is going to set a government up to fail. So I don't want to commit to that today, but I do want to commit to the two

opposition leaders that we are working on this. This is important and it was a campaign promise. To have this ready a week before the next election is not our goal. We need to make sure that we get this done in a timely fashion. We are committed to that. I am stating that on the floor of the Legislature today. Our commitment is real and it is the same commitment that we made at the door during the election campaign, and we will commit to that as well.

Again, we are agreeing to a non-partisan commitment on electoral reform to consult Yukoners on possible options for a territorial election system and we are committing to fixed election dates — absolutely. I hope to see unanimous support of this motion today and, again, thank you to everybody who has contributed to this dialogue, not just today but over the last years.

Mr. Hassard: I can appreciate the Premier's words in regard to the timing; however, a concern that the Yukon Party caucus has come up with is how this non-partisan commission would be struck. Who would have input into that?

Subamendment proposed

Mr. Hassard: I move:

THAT the amendment to Motion No. 19 be amended by inserting after the word "appointing", the words ", in cooperation with all political parties in the Yukon Legislative Assembly,".

Speaker: I think by my recollection, it took until Day 58 of the 34th Legislature to get to a subamendment. Here we are; there is a subamendment.

I've had an opportunity to review the subamendment with Mr. Clerk and can advise that it is in order.

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

THAT the amendment to Motion No. 19 be amended by inserting after the word "appointing", the words ", in cooperation with all political parties in the Yukon Legislative Assembly,".

Leader of the Official Opposition, on this subamendment, you have 20 minutes.

Mr. Hassard: I certainly won't take 20 minutes.

I believe that this strengthens the amendment because it gives the government the opportunity — whether it be through the Members' Services Board or the all-party committee on appointments to boards and committees, or however it is chosen — to work through the details on who is appointed to this non-partisan commission, and I believe that it would give them the opportunity to work on such things as the terms of reference or timelines, which I know was obviously a concern of some.

With that, Mr. Speaker, I look forward to hearing other thoughts and comments on this subamendment.

Ms. Hanson: I will constrain my comments at this point to the subamendment.

I have no distinct problems with the notion of there being cooperation among the parties in terms of determining the process for appointing this non-partisan commission on electoral reform. We can support this subamendment.

Speaker: Is there any further debate on the subamendment?

Hon. Mr. Silver: It sounds good to me.

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

Subamendment to Motion No. 19 agreed to

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

Ms. Hanson: Mr. Speaker, the Premier is correct that we had a conversation in the members' lobby over the last few minutes with respect to seeing if there was a common understanding — or a common ground — on the proposed amendment, and I had indicated in side comments, which led us to go outside, that we, the New Democratic Party caucus, acknowledge — and I had said in my opening remarks that our motion is part of our commitments and informed by the conversations that we have had over the many years within the New Democratic Party — but also reflected in those comments that the issues of electoral reform and changes that had been proposed go far beyond the New Democratic Party, which is precisely why I cited references to minutes of meetings that have occurred since the early 2000s, which were definitely not New Democratic-led events. These were people from all sectors of the territory.

The motion that we tabled for debate this afternoon was put on the Order Paper last May, I believe, so it has been out there. It is no secret that this is an issue that we want to see debated. We waited to see because the government had been making it very clear to this House that the actions and the activities that were going to be priority for the government were those that were in their platform.

So Mr. Speaker, it is the last Wednesday. There are two sitting days, and there has been no sign that this would imminently be announced by the Yukon Liberal Party as delivering on that platform commitment. There had been no public indication, nor any hints in this Legislative Assembly that the Premier was intending to make an announcement soon about fulfilling the commitment with respect to electoral reform and fixed election dates. So we called it today precisely because we wanted to trigger an action. We attempted to put it forward in a way that would not be challenging.

I met with the Premier to talk about the reactions to the language. Of course, the language that we put in our original motion comes from the kinds of conversations and the previous bills and motions that we have put forward in this Legislative Assembly. We did propose, in response to conversations to the government this morning, alternative language that we thought would make it more palatable. So rather than having the detailed lists around banning corporate, union and Outside contributions, et cetera, we gave, for

illustrative purposes only — we weren't trying to define, but we were trying to reflect to citizens that this Legislative Assembly had heard that there are other issues.

When that was met with resistance, we were prepared then to say “a basket clause”, but there has to be commitment — if we use the language “electoral reform” and we establish a non-partisan committee, then they will determine — so we won't use the language of first-past-the-post or proportional representation.

Essentially what collaboration in this case means is that we can really agree — the government will really agree — if we use exactly the language that is in their platform. I was prepared to agree with that, Mr. Speaker. I was prepared to agree with that.

I was prepared to agree with that and I did agree. I was waiting to see the language that would come back with respect to a basket clause with respect to allowing a non-partisan commission to then hear from Yukon citizens about other matters. I would anticipate that the basket would be filled with exactly — or an expansion of — the issues we had identified, whether they were political finance reform, the issues of floor-crossing or other issues. But, you know, be that as it may. But in my conversation — I'm being very clear here, Mr. Speaker — I had said to the Premier that if we are going to see this happen and if there is a commitment by this government and now the Premier just said that we are working or there is work being done by ECO — internal work is being done. Well, you know what, Mr. Speaker? That is great, but that is not the work of the non-partisan committee. It's a year after the election. The government can be doing whatever it wants to do.

What I said to the Premier this morning is that there needs to be, not just the avoidance of the perception that the government has delayed, because we saw at the federal level that this is exactly what happened — delay, then start a process, and then go, “Whoops. We're not really into it.” Well we were trying to avoid that. So that is why I had suggested, after the Premier tabled his amendment, that the piece missing was a commitment to get it done. I had said over our lunch conversation that there needs to be that commitment to get it done. You can't say that we're going to start it and “Trust me.” I trust the Premier as a person, but I know there are a lot of other political forces at play. As a citizen, I want my government to give me a commitment that they will get this done and that they will mandate a commission and tell that commission, “We want you to report by X date.” Mr. Speaker, until and unless we're prepared to do that, then we're carrying on with a charade. I won't be part of that.

We have participated and we have seen effective work being done by time-limited mandates for external commissions and external advisory panels. We have the Electoral District Boundaries Commission, which was mandated under the *Elections Act* — a mandated non-partisan committee. They started meeting this summer. They gave us a draft report this past week. They will go to public consultation and they will have a final report by April. Mr. Speaker, I said to the Premier: “Can we not do the same here?”

We had the government identified last spring. They said after the election: “Whoops. The cupboard is bare so we need to something about it. We need to have some options.” So they struck an external Financial Advisory Panel. It didn't take an unknown period of time to develop the terms of reference for that, to hire the panel, to get them out on the job. They announced it in April. They reported in October. It can be done, Mr. Speaker. There must be the political will to do so.

As the Leader of the Third Party, we're prepared to support this motion, but only if the government and the Official Opposition would consider and will agree to an amendment to that motion.

Subamendment proposed

Ms. Hanson: I move:

THAT the amendment to Motion No. 19 be amended by adding the words “and that the Commission shall report to this House no later than November 22, 2018.” after the word “system”.

Speaker: Order, please. The proposed subamendment is in order.

It has been moved by the Leader of the Third Party:

THAT the amendment to Motion No. 19 be amended by adding the words “and that the Commission shall report to this House no later than November 22, 2018.” after the word “system”.

For greater clarity, “system” is the final word of the currently amended amendment.

Leader of the Third Party, on the new subamendment, you have 20 minutes.

Ms. Hanson: Thank you, Mr. Speaker. I have no intention of taking 20 minutes.

I think I made my point in the comments I made prior to tabling the subamendment that we believe that this is more than optics; that it is imperative to demonstrate that the will of this Legislative Assembly is to see this non-partisan commission put in place, struck, and that this commission be mandated to do as the amended motion says, which is to deal with matters of electoral reform, fixed election dates and other matters; and that our collective reputations, as Members of the Legislative Assembly, are potentially prepared to hear challenges to the status quo. We are not going to allow any perception that there is any impediment to citizens' voices being heard, and that one really important aspect of any motion in terms of setting up an independent commission to study the electoral system is that it's meaningful.

Quite frankly, it's only meaningful to the extent that it can be considered by government — and not some future government, maybe, or to form part of another election platform, but that this government will have a report that reflects the informed views of Yukon citizens, Yukon experts and others that the electoral commission chooses to have appear before it, or allows to have appear before it, but that it

not be a process that becomes a process for process' sake, and that it not be allowed to drag on.

Mr. Speaker, as we pointed out, it is pretty clear that the discussions around electoral reform have been alive in Canada and alive in this territory for many years. What we are doing is a responsible thing, Mr. Speaker. We're setting a time frame; we're doing what any business would do as it wants to achieve something. It says that we will set a target date for completion. Within that time frame, those we charge with the responsibilities for carrying out the mandate that we've given them, which is a very broad mandate — and that is a good thing — because we're not dictating to the citizens nor to the commission the specific matters that they can consider, other than it is within the context of establishing fixed election dates, pros, cons, how long, when — the matters associated with electoral reform. So it's about the method of voting and other matters related to that.

If we don't take the responsibility for setting some parameters, if we don't say that this is important to us and we want to have this so that timely decisions can be taken, then we will stand accused of procrastination and putting it off yet again.

I have been around public policy processes for many, many years, and I know the difference between saying, "Hmm, well, we're kind of interested in it, but we're not really committed so we'll set in place a process." The difference between that and saying, "We want to get it done, we're setting a deadline and we will work toward that deadline." That says, "I'm committed and I expect the people working with me to be also committed."

I expect that when people get involved in this commission, they will know that this Legislature is serious. They expect to see a report just like the independent advisory panel on financial matters. They expect it, they knew that there would be a report. Those people who took on the responsibility on all of our collective behalf to look at the electoral boundaries knew that they were required to complete a draft report and a final report. They know that and they still took it on.

What goes on behind the scenes in any respective party — whether it is the government or any of the political parties, or civil society, in terms of supporting this initiative — is quite separate from the process of allowing citizens to have their voices heard in a meaningful way and know that there will be a product. There will be a product delivered to this Legislative Assembly because we said we expected it and we expected it within a timely manner.

We didn't say that we will set that time frame some other time to be announced. I can't buy into that. I have been around too long and I know how offensive that would be to many citizens of this territory. So I hope that members will agree to putting some teeth to the process that we're saying that we all agree to — we all agree to wanting to see this discussion occur and encourage our citizens to participate.

I said I would be brief — that is pretty brief. So thank you, Mr. Speaker.

Mr. Kent: I'm going to be extremely brief in my comments. I appreciate the work that the leaders of the three political parties — the Premier, our leader and the Leader of the Third Party — put in, prior to the Sitting today to get to the original amendment and then supporting the subamendment that we put forward, and now talking about the additional subamendment put forward by the Leader of the Third Party. When you're talking about anything to do with our electoral system, I think it's important to have unanimous consent on any motions that take place.

So understanding that this is extremely important to the Third Party, we will be supporting this amendment to the amendment as amended.

Hon. Ms. McPhee: Actually I am very pleased to participate in this debate today because it is an excellent example of us actually debating and actually trying to exchange ideas and persuade our colleagues to see things one way or another, so that we can all come to hopefully a conclusion that we can all move forward with and cooperate.

I do appreciate the scepticism and the concern from the Leader of the Third Party on behalf of her party. There are a number of relatively short points, however, that I would like to make. I appreciate that there is no process issue here, but it's important, I think, to note that the original motion did not have a date in it and it wasn't contemplated at least prior to coming here today that a date would be added. In my submission to this House, our picking an arbitrary date today doesn't necessarily add to the substance of this motion.

I have heard absolutely everything said and I truly appreciate the scepticism from the Third Party and the concerns because this is something I think all members of this House want to see move forward.

Let me say this: I think this Liberal government has shown evidence of the fact that we're not in the habit of starting projects that have no end date. The Leader of the Third Party in fact indicated that with the Financial Advisory Panel, when the terms of reference came out, there was an end date. They met that date and we now have the benefits of that information and we can go forward as a government and as a Legislative Assembly and make some decisions with respect to that.

Today, I announced that there was an inspection to happen at WCC. The terms of reference included an end date — a very specific period of time in which that work will be carried out. I suggest to all the members that those end dates are important. They are critical and we should have one. Should we have one today to determine when that should happen? We say no, we shouldn't, but we should have that commitment as this matter proceeds.

We have had a subamendment that indicates that the parties will all cooperate with respect to determining what's going to happen with this commission and how the commission will be struck. I suggest to you there will also be cooperation about the dates, how long it should take for this to happen and how the work will be done, et cetera.

The first subamendment, Mr. Speaker, I hope will provide some comfort to the Leader of the Third Party that there will be cooperation between the three parties and between the three party leaders or their designates to get this work done and that, as part of that, there will be a date struck with respect to limiting the work, getting an answer and getting this information upon which we can move forward.

I also appreciate — although I take issue with the fact — that this is the only way in which this matter will move forward with a designated date because there has been no commitment. I heard the Premier here today say there is a commitment to get this done. Actually, long before today, as an election platform matter, the Premier and this team said that it's important to do this work. After that, the commitment occurred when he became Premier.

There has been a commitment here today in this House and I will submit to this House that through the discussions that happened earlier this morning among the leaders — and presumably on other occasions — that the work is important. We have said that publicly; the Premier said it publicly. There's no reason to disbelieve this, despite the past experiences, which I know have been frustrating. Despite that, the commitment has been made here. The Premier has said so publicly; he said so here in this House that this work needs to be done with enough time for effective decisions to be made before the next election.

He has also committed to having a date be attached to the work of this commission. The only issue for our government is that picking that date today may not be the most prudent thing.

I hope the other members of the Legislative Assembly will consider passing the motion as it has been amended already today without the addition of a date or an arbitrary date, recalling that the original motion didn't have a date, and yet it was still going to direct this House to do something and that, in my submission, does not detract in any way from the effectiveness of this motion.

Ms. White: It is interesting how this day has gone, because in earlier discussions, we had highlighted how we thought time was important. One of the concerns that we have is being told, when we took a break from the Assembly to have further discussions, that there were ongoing conversations within ECO. That had not been announced, so, from our point of view, you can say — and I'm not questioning the Premier, but without that public announcement that this will be set up and this is ongoing and we are sticking with this — I mean, we can look at Ontario and we can look at British Columbia and what happened there with electoral reform.

What we were trying to do by having a timeline is to say that we are committed, that we will meet, that we will appoint a commission and that the commission will have until November 22, 2018 to report.

The reason why we picked a date was because of all those reasons that my colleague the Member for Whitehorse Centre has highlighted. The Premier has seen in his time in

opposition how things go on without an end date, and then they lose that importance and they lose that ability for those changes. By saying a year from now, it is our hope that, based on what the Premier told us, the direction he was waiting for from ECO was going to be coming in the next days — that together the Third Party and the Official Opposition could work for that — and that a year would be enough time.

Mr. Speaker, it is also important to point out that this has been an election platform commitment that the government has been silent on. We have had members from the back bench go through numerous platform commitments. I realized today, when I was looking at the one for electoral reform, that the one on, for example, aging in place was verbatim out of the platform, but this has not been a motion that has been brought forward by a member of the government. So what we're trying to do is make sure that this has the importance that it deserves and we believe that is by setting a date. That is where we stand.

Hon. Mr. Silver: I think we have proven today that we are flexible in working together on things that make sense, and I have just got to go back to an arbitrary date of November without any justification from the NDP what work needs to be done before that and an understanding of those timelines — an understanding of the conversation that is happening in ECO currently, despite the Member for Takhini-Kopper King assuming that, because we haven't spoken about it publicly, for some reason that means that we are going to obfuscate or somehow slide from our commitment. I take issue with that as well. I cannot, in good conscience say that I am going to pick a month out of the air and say, "Yes, we are going to commit to that date today." What I can commit to is unprecedented behaviour, I believe, of this government to work cooperatively with the two opposition leaders, to have a conversation once ECO is finished with their work — which is very soon — and to talk about these things as the members of the Yukon Party put forth their subamendment. We have agreed to that, because we agree that we should work together on this.

With all due respect to the members opposite, cynicism based upon previous governments and an arbitrary date is not how I run things — and I won't. What I will do is commit to make sure that we make the ECO movement as quick as possible. We will get to the members opposite as quickly as possible to make sure that we can determine together the terms of a date for the committee to respond back to this Legislative Assembly — but I cannot say that now. I just can't.

I'll say this as well: in the original motion, which didn't mention a timeline — and I will say that we see a pivoting in the concern here, but it didn't mention that. It did mention a whole list of things, and those are the things that the NDP have brought forth today.

I haven't heard from the Yukon Party yet what their issues would be to bring forward to this conversation, so that's an unknown. We haven't had a conversation with all parties together as to the breadth of the discussion, or whether

election dates should be a Members' Services Board exercise or not.

All of these things, Mr. Speaker, all of these unknowns, to a former math teacher, do not complete the equation enough for me today to say that, yes, November is the date.

We will commit, and we have committed, that this is a platform commitment and we are absolutely working toward completing that, and we will. I'm very thankful for all of the conversations that we did have today and for working together with the opposition. If anything, it does perpetuate another conversation about how Wednesdays are done and how we can actually, in between sessions, talk about a plan for Wednesdays if we are willing to work together on Wednesdays — because I think we can get a lot more done when we work together on Wednesdays than otherwise.

I'll reiterate the words of our House leader: I am so glad that today, we debated. That being said, I cannot support the subamendment from the NDP, and I hope that it doesn't change everybody's will to work forward to election reform moving forward.

Mr. Cathers: I'm going to be very brief in speaking to the subamendment. I wasn't planning to speak, but I do feel that a couple of comments that the Premier made need the record to be corrected. I just have to remind the Premier and all members of this Assembly that, during the time the Yukon Party was in office, during those 14 years, the only times that the *Elections Act* was changed were through unanimous agreement of all political parties at Members' Services Board. We're proud of that work and continue to be of the view that, when any changes are being made to the *Elections Act*, it's important that there be a sincere effort to seek all-party agreement on those changes. We were successful in doing that twice. It is very important that any changes made to the elections laws not be made by a party with the majority in an attempt to serve their interests or their views. It should be something that is done in a manner that is fair, balanced and following a sincere — and hopefully successful — attempt at reaching all-party agreement on those changes.

So with that, I will conclude my remarks on the subamendment. Unfortunately, it sounds like it won't be passing this Assembly.

Speaker: Is there any further debate on the subamendment?

Just for the record — just for my benefit — this is the subamendment moved by the Leader of the Third Party that the amendment to Motion No. 19, as already amended, be amended by adding the words: “and that the Commission shall report to this House no later than November 22, 2018.” That is what we're voting on.

Are you prepared for the question on that subamendment?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the house.

Hon. Mr. Silver: Disagree.

Hon. Ms. McPhee: Disagree.

Hon. Mr. Pillai: Disagree.

Hon. Ms. Dendys: Disagree.

Hon. Ms. Frost: Disagree.

Mr. Gallina: Disagree.

Mr. Adel: Disagree.

Hon. Mr. Mostyn: Disagree.

Hon. Mr. Streicker: Disagree.

Mr. Hutton: Disagree.

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 seven yea, 10 nay.

Speaker: The nays have it. I declare the motion on the subamendment defeated.

Subamendment to Motion No. 19 negatived

Speaker: That returns us to the first amendment by the Hon. Premier.

Is there any further debate on the amendment as amended?

Are you prepared for the question on the amendment 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. Dendys: Agree.

Hon. Ms. Frost: Agree.

Mr. Gallina: Agree.

Mr. Adel: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Kent: Agree.

Ms. Van Bibber: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. Hanson: Disagree.

Ms. White: Disagree.

Clerk: Mr. Speaker, the results are 15 yea, two nay.

Speaker: The yeas have it. I declare the amendment moved by the Hon. Premier, with the subamendment moved by the Leader of the Official Opposition, carried.

Amendment to Motion No. 19, as amended, agreed to

Mr. Speaker: We are now back to the main Motion No. 19 as amended and subamended.

Mr. Kent: I'm going to be very brief with remarks on behalf of the Official Opposition with respect to the motion as amended with the subamendment.

I just wanted to get on record the Yukon Party's position regarding a few of the issues that surround this motion and have led to what we're talking about today. We have always said and continue to be of the position that any change to the way Yukoners cast their ballot in an election should go to a general referendum. So regardless of today's motion and the work of the committee — and upon completion of their work — we will still maintain the position that any change should give the opportunity for every Yukoner to have their say and vote on it. We do have a motion on the Order Paper that puts out that position.

When it comes to election financing, the Yukon Party has stated that we're open to legislating the limits, but those have to include limits on third-party expenditures during campaigns as well. We're also open to limits on campaign contributions by individuals, companies and unions.

As my colleague from Lake Laberge mentioned previously during debate here today, we continue to be of the view that, as has been past practice in this House, any changes to the *Elections Act* should be done through Members' Services Board with the goal of getting all-party consensus. As the Member for Lake Laberge mentioned, that's how we were successful in making changes in the past. Again, just to reiterate what he said, making any changes to the *Elections Act* without working with all parties and members in this Legislature would be a departure from that past practice.

Obviously there will be a number of other issues and positions that emerge as this commission — that has yet to be struck — undertakes their work in the coming months, but those are a few of the key positions that I just wanted to put on the record on behalf of the Official Opposition here today.

We'll be supporting the motion as amended and look forward to getting to a vote and moving on to other business today.

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

Ms. White: I have some concerns, and one of them is when the Premier said that his government has been shown to be flexible. From my perspective, I would disagree with that in recent terms. The example I would use would be the language used to amend the *Health Act* when, instead of leaving the prescriptive language of "may", the entire ability of having the health council was removed from the act. When it was highlighted that the Association franco-yukonnaise had

approached government about having a conversation about having a seat on the board of the *Hospital Act* and was told that wouldn't happen because the *Hospital Act* would need to be opened, it was shown there wasn't the flexibility there either.

I have listened to people's statements today and I still remain hopeful, of course, that we'll see the commission struck and have it report in time for things to be changed for the next election, but I have a question.

I question the language of flexibility, because what we've seen — especially the changes made to legislation in this very Sitting — is that there wasn't as much flexibility as all that. When the argument was made, when the discussions were held, when the community weighed in, there wasn't that flexibility.

Mr. Speaker, this is a perfect example — and it is interesting, because it happened to the Premier when in the Third Party, so here I am in the Third Party and it is happening to me. We put forward a motion and we were amenable to changes. I appreciate that government has pointed out that we didn't have a timeline, and it is true that we didn't have a timeline in the original motion. The hope was that we weren't going to call the motion. The hope was that we were going to be told that there was going to be a commission for electoral reform and it wasn't going to come to us calling the motion.

The cautionary tale with using timelines in motions is that, if you have a date and it passes, of course, then it doesn't become valid anymore. The one thing that I would highlight now is that now we have a motion that could have been put forward by government — because now it is the language of the platform — and that it doesn't include the language that my colleague for Whitehorse Centre had discussed with the Premier.

The offices are not very soundproof where we are, and I know that the timelines were discussed and that my colleague did express the importance of a timeline, so now in front of us, we have a motion that, hopefully, does what it says it is going to do, but I guess maybe I'm less optimistic than I was before.

It has been a good discussion. I look forward to seeing what happens with it, and I just want to say that I haven't found the government to be all that flexible to date, so that's the two cents on this one.

Hon. Mr. Streicker: I look forward to hearing the closing arguments from the Leader of the Third Party.

Mr. Speaker, I believe strongly in the democratic process, warts and all. As such, I firmly believe that the design of our electoral system should come from the diverse views of all Yukoners. I support a non-partisan commission on electoral reform to consult Yukoners on possible options for territorial electoral reform.

We live in a representative democracy, meaning that we are elected to represent the citizens of our riding and of the territory, and, as the Leader of the Third Party described it, ensure that the voices of Yukoners are represented here in the Legislature and in the government.

How do we make sure that our system is fair, straightforward and inclusive? How do we use the system to capture the intention of the voters as well as possible?

In recent decades, our world has both grown and shrunk and become more diverse. I think that this is reflected in how people vote, and the Premier commented on this earlier. Sometimes we vote for a party and sometimes for a leader. We vote on a range of issues, and we also still vote for the local person — although the system, as it is designed currently, is a vote for that local person.

Given that, how can we ensure that we have a strong electoral system for Yukon? I use the word “strong” and not the word “best”, specifically.

No voting system can accommodate all of the diverse views and reflect all voter intentions, nor capture all issues and concerns. I think the answer is to use a non-partisan citizens’ commission. I believe that we should carry out this exercise because our electoral system is fundamental to our path as a territory. It is important — critical even — that we would consider whether, and if so, how, to improve the electoral system.

Just ahead of the last territorial election, when the federal commission arrived here in the territory, one of the members of that commission — who I believe was from the Conservative Party and was a Conservative MP — made some comments that our federal voting system had been working for 150 years. Well, Mr. Speaker, women were enfranchised to vote in 1918 for Canada and I think the first vote here in the Yukon was 1919. Of course, we elected the second female MP in Ottawa in 1935 with Martha Black. First Nations did not get the right to vote until 1960, so I think it is clear that although the system was the same over the past 150 years, there were necessary and important things to change.

These examples remind me that our electoral system has had changes in the past — good and welcome changes — and I think it is time to have a look at our system again with the hopes to make it better, as good as it can be, reflecting the diverse views of Yukoners.

By the way, not all Yukon elections use first-past-the-post as a system. For example, municipal elections use a somewhat different system. As Minister of Community Services, I will just remind Yukoners that October 19, 2018 — coming up fast, in less than 11 months — are municipal and local advisory council elections. I hope lots of Yukoners will consider putting their names forward for those elections and voting in those elections. By the way, it would be great to have more women on our councils and in our Legislature to try to get real diversity in our elected bodies — a diversity which reflects our communities.

As I was saying, our municipal elections do not use a purely first-past-the-post system. Citizens get to vote for a range of councillors. They can cast votes for none, or one, or two, or up to as many positions as there are on the municipal council. I think that makes that system somewhat of a hybrid of a first-past-the-post and a preferential ballot. I have never heard it quantified or qualified. I make this point simply to

state that there are many ways to construct an electoral system.

Before I conclude, I would just like to reference quickly the comments made by the Member for Lake Laberge and the Member for Copperbelt South. I thank them for sharing that amendments to the *Elections Act* over the past 14 years have only been done when there is, or was, unanimous consent by all parties. That can simply be a recipe for, at times, doing nothing because if you don’t have unanimous consent and you don’t get changes — if you don’t get those amendments — there are going to be times if you don’t have complete agreement, as in the Legislature today, when we might not be taking decisions. I’m not sure that is always the wisest path forward. We have agreed here in the Legislature today to work cooperatively with all parties — indeed, with a non-partisan approach.

In reference to the comments made by the Member for Takhini-Kopper King — and I thank her for them — she talked about whether or not we, as a government, have been flexible. I think that flexibility is illustrated by our willingness to listen and to dialogue around these issues. I don’t think that flexibility extends out to always agreeing. My belief is that, in a place as diverse as the Yukon, there is always a range of views. I don’t ever expect that we will always agree, but I do expect that we should be respectful and listen to the views.

I support that the design of our electoral system should come from the diverse views of all Yukoners. I support that it would be non-partisan, including that we work in cooperation with all parties of the Legislature in striking that commission. I agree that this can be done in a reasonable amount of time, something that is meaningful for the next election, and that is not to be a process for process’ sake, as the Leader of the Third Party expressed concern about.

We will set a target date for completion. The Premier has committed to that in the Legislature today. He did so in this very motion. In other words, there is the political will to do so.

Mr. Speaker, I hope that when the commission is struck, and when a deadline is created, the Third Party will then be in support of this work. I know they have discussed it as an important issue and one that we need to address. As we went through all the amendments and subamendments today, what I felt was that the issue today was especially about trust. It is my hope that, when we come forward in setting the terms and dates for the work of the non-partisan commission, we as a government will have earned some of that trust.

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

Does any other member wish to be heard?

Ms. Hanson: I thank all members for their comments and input this afternoon. Quite frankly, I didn’t anticipate this path for this motion. I will express that I have conflicted feelings about the path that we have taken today.

I would like to say that the comments my colleague from Takhini-Kopper King made reflect concerns that we have shared. Perhaps the path that this motion took today is a

reflection of that. I do hear the Minister of Community Services say that they are flexible because they kind of listen. But our experience is that the listening has gotten like a gene trail. You can see where the DNA is. If that trail goes back to the original DNA of the Liberal platform, then yes, we listen and we listen hard, because that's what we're doing, but if it deviates from that in any way, then we're not so comfortable and we get a little bit tight and inflexible.

The Member for Takhini-Kopper King gave a couple of examples.

There are changes that occur from an organism that learns, but when an organism stays static and an organism doesn't learn from feedback, then that loop can be kind of sad. The one other legislative initiative that I would refer to — and I'm not going to belabour the point — is the amendments to the *Workers' Compensation Act*.

It's one thing for the Premier to tell me that I shouldn't put forward a motion, or that it's more difficult for him to support a motion that's partisan because there are issues that we have put forward in our platform or raised in previous debates that clearly have a link to NDP thinking — from his perception — but when we see legislation that came forward, or amendments to that legislation, that, despite the opportunities to listen to Yukoners — opportunities this government created itself — and despite the evidence that the narrowing of the scope of that coverage wasn't what Yukoners were telling them that they thought was necessary, the government reverted back to the comfort zone of its platform.

So either it's inflexible or it's really timid. That will be a choice they'll have to think about for themselves.

As my colleague said, we fully anticipated that this government — because it seems to want to check off platform commitments — would be coming forward with some sort of announcement, because we were watching the timelines go. We had put forward, for us, a pretty general motion. I can tell you that the previous motions we have debated in this Legislative Assembly with respect to democratic reform — and they have included, as the Yukon Party alluded to here, methods and means of referenda to give approval to anything that was achieved by a select committee or a non-partisan commission. Of course, those were defeated by the previous government, even though they did include referenda.

We had put it down to fairly basic kinds of points in May, thinking that it would be off the Order Paper because it's a matter dealt with by this House. As I said at the outset this afternoon, it's not a matter that has been dealt with. I appreciated that when the Premier raised the matter of — can we craft this in a more general way? I heard in my way — this is my lens on it — to make it more palatable to us. I was quite amenable to that; it worked.

The Liberal Party achieved what it needed for itself, which was to reflect the platform in this motion. I have no problem with that, Mr. Speaker. I have no problem with it, because it still has the essence of it, as long as it has the essence of saying that they were committed to establishing a non-partisan commission that will review electoral reform,

including fixed election dates. I was quite prepared not to get into enumerating those subject matters because, as I said earlier, I don't think we need to be prescriptive, but we certainly can't — and I will caution and I go back in the Blues to the Premier's comments that he made when he started talking about scope and other things this afternoon. My "spidey senses" went up. There is a majority government here, so this motion will pass, but, as this moves forward, the constraints placed on this non-partisan commission are not partisan in nature, or are not the mandate that this Liberal government wants it to have only, because that won't wash with Yukon citizens. It won't wash with us, and I am a Yukon citizen.

So I would agree with the Premier on one thing. When SCREP gets its act together and meets, and we start talking about how we can do — that was actually the subject matter of another motion from the NDP over the years in terms of how we make the business of this House work better. There are a lot of ways we could do it, but SCREP has that on its work plan. Wednesday motions can certainly be part of that conversation.

I will agree with the Minister of Community Services that the trust will need to be earned. The first deposit on that earning will be when there is a discussion about getting this commission in place and when there is a confirmation of when the work of that commission will be completed. Then we can talk about moving forward on this issue.

Motion No. 19, as amended, agreed to

Motion No. 209

Clerk: Motion No. 209, standing in the name of Ms. Hanson.

Speaker: It is moved by the Leader of the Third Party:

THAT this House urges the Minister of Highways and Public Works to ensure that the *Canadian Free Trade Agreement* exemption that allows the Government of Yukon to reserve up to \$10-million worth of contracts for local businesses is used to its full extent for the 2017-18 fiscal year.

Ms. Hanson: Well, this is a pretty brief motion. I think it is one that all members of the Legislative Assembly can certainly support in principle. I don't think there is anybody who would disagree with the underlying premise of this motion — that the Minister of Highways and Public Works has both an opportunity and an obligation to actually implement the exemptions that this government was able to achieve when negotiations concluded on the new *Canadian Free Trade Agreement*.

The whole reason why we're having this discussion — it was initiated, or perhaps sparked, by the debate in the Legislative Assembly last week when, through a pretty general question from the Leader of the Official Opposition, it appeared — and I certainly will look forward to the minister clarifying this — but it appeared at the time that the minister was not giving full import to the potential of the exemptions that this government had negotiated in the *Canadian Free Trade Agreement*.

These exemptions have been sought for by local businesses in the Yukon for many years. The subject of debate in terms of the local procurement and the opportunities to grow local businesses — not talking about the big, Outside corporations or corporate entities that operate here as well, but the scope and the limiting of these exemptions to the \$1 million was something that I had mentioned to the minister when I waded into the debate last week. It was the subject of a technical briefing that the Yukon Chamber of Commerce had with representatives from the Government of Yukon Department of Economic Development and, I believe, the Executive Council Office. There was significant interest in that November 9 technical briefing for the chamber when the presentation focused on these 10 \$1-million exemptions that would allow the government to effectively provide opportunities for local businesses which, without those exemptions, they would not be able to do.

The scope, as I said, of \$1 million — for the big corporations elsewhere this is nothing, but it is huge to a small business, it is huge to contractors and it is huge to small manufacturers in this territory.

We've had many debates in this Legislative Assembly, Mr. Speaker, about the multiplier effect of the local procurement dollar. We've tabled reports, such as the Schulich School of Business, which talked about the multiplier effect of that local procurement dollar being anywhere from 26 to 27 times. My reaction to the minister's statement that he anticipated that there would be no ability for the government to exercise its discretion under this exemption that is set out in one of the annexes to the *Canadian Free Trade Agreement* — I believe it is 506, but I'm not sure; I would have to check that — was a shock and a surprise. I think that given the economic implications of denying the flow of cash — as I said, that economic multiplier effect of every dollar of procurement that is done by the Government of Yukon locally is not just the financial multiplier and it is not just that 26:1, or 27:1 that Schulich sort of identified, but it is those local businesses who are the supporters of local hockey teams. It is those local businesses that contribute in so many different ways that are so important.

It was more surprising to me because I had recalled that in the spring, when we were talking about these agreements and the successor to AIG, that the Minister of Economic Development had a press conference, along with officials, to effectively trumpet that this had been achieved. So the government knew in April. The headline was "Government obtained exemptions in trade deal" April 10, 2017, *Whitehorse Star* and it was good news and it is good news.

It goes on to talk about ensuring that Yukon companies have a fighting chance against heavyweights from elsewhere in the country. The territory negotiated 26 special exemptions, more than any other jurisdiction. For example, the new deal allows the Yukon to withhold 10 projects a year worth up to \$1 million from nation-wide competition if these projects bolster regional economic development. Who could disagree with that?

The motion here is simply urging the minister to ensure that — they are called exceptions, I think, in the actual agreement, not exemptions — exceptions that allow for the Government of Yukon to reserve up to \$10 million for local business is used to its full extent for the current fiscal year because the spectre of simply saying it's complicated and we can't get it done I don't believe is adequate. I don't think Yukon businesses would agree that it's adequate to say it's complicated and we can't get it done.

I understand that there are systems that need to be put in place. I understand that there is a need for due diligence. I understand that there is a need for probity when it comes to expenditure of territorial funds, but I also know that this government worked hard to get these exceptions. As I said last week, when you set a negotiating mandate, you do so with a view to succeeding. It should be no surprise. We should have a game plan. I am going to give you a mandate to do X and when you have X, this is how we're going to implement X. You don't wait until afterwards to define what X is. You don't wait until afterwards to say, "Jeez, now that we have X, what are we going to do with it? So we wanted to have 10 exceptions to the rule that would allow the government to bolster local businesses and to bolster the opportunities for that economic input into the Yukon economy at the local level or at the regional level. How often have we heard — and we heard again from the expert Financial Advisory Panel yesterday — about the opportunity and the imperative to focus on regional economic development?"

It's not that there isn't a lack of opportunities there; it's how we create the nimble system, knowing that we're going to have this in place.

It's a motion that urges the government to do what it set out to do when it negotiated the exemptions to make sure that Yukon businesses can take full advantage of the good work that their officials did on behalf of all Yukoners, particularly on behalf of Yukon businesses. I'm sure the government has every intention to do so; therefore, would expect that they will be happy to support this motion.

Hon. Mr. Mostyn: I am very glad to speak to this motion this afternoon. I'm glad to speak to this motion because this Liberal government is committed to getting more of its money into our territory's economy, into our communities, into the hands of the people who have chosen to live here, and into the hands of the people who have chosen to build this territory. Make no mistake; this motion is about keeping Yukon government money in the local economy. It's focused on one new tool — the Yukon government has to accomplish this goal — a tool that wasn't on the radar when the Leader of the Third Party was writing about the deficiencies of the *Canadian Free Trade Agreement* in July 2016. At that point, the Leader of the Third Party was very pessimistic; today there's optimism and I'm glad that optimism is there.

Fortunately, conscientious and savvy negotiators heard the concerns of the eight smallest Canadian provinces and territories at the *Canadian Free Trade Agreement*

negotiations. Their efforts won 10 \$1-million exemptions/exceptions that could be applied to increasing local employment, that can be used for supporting small firms, and that can be used for developing our local economy. They are going to be eminently useful. They will be one more tool in the government's procurement kit — one tool — a big tool, a good tool, but not the only tool.

I have been tasked with improving the way the government buys goods and services to make sure more of the government's money stays in our citizens' hands, and that this money is stickier and doesn't flow out of the territory.

Recently, this Liberal government tendered the Nares bridge contract, which was worked on in a collaborative fashion and will bring real benefits to the Carcross/Tagish First Nation and the community as a whole. It is a first step in changing the way this government works with First Nation governments and development corporations. It was a first step in changing the way this government works with communities.

It was a first step in changing the way this territory does procurement, and it was a first step in changing the way this government works with contractors.

The contract has been successfully awarded. People will be able to see progress on this \$12.6-million project next spring. I believe there is an open house going on this afternoon with the successful bidder and others, outlining how it is going to go ahead.

We recently developed a draft procurement strategy for discussion as well. That strategy is being distributed to all First Nation governments for their feedback. This too is new and hasn't been done before. It will also be given to our stakeholders — this strategy — and others with an interest in procurement.

We have a series of procurement events coming, including the reverse trade show. I encourage all members to attend that as well. The point is that procurement is a diverse and active file. There is much to do. Procurement appeal processes need to be bolstered, for example. Construction projects need to be carefully assessed for their execution and quality. Records need to be kept of how those projects were executed. Eventually, a reputation index needs to be put in place and, with it, a process to appeal decisions that are made regarding those reputation decisions.

We have to decide, "What is a local company?" I know that many members of this House have been grappling with that for a very long time. It is a very complicated matter. We have companies that have been here for years — for decades — that actually reside in Kelowna or down in Vancouver. We have others that have been operating here for a couple of days, but employ hundreds of people or many people. So we have to make some decisions about what is exactly local and where the biggest bang for buck is going to be obtained.

Now, this summer — in July — we gained the ability to issue exceptions — 10 of them, up to \$1 million apiece. They are there to increase local employment and to develop our rural economy. Since these exemptions first landed on the radar of eight Canadian provinces and territories, the

procurement staff of Highways and Public Works have been working on ways to maximize the benefits of these new exemptions in our economy.

I know that Highways and Public Works staff have been working hard on the procurement file in its entirety, including this new benefit, this new tool. It is one change among many in this large and complicated trade agreement, and these civil servants are working hard to assess their impact and how we will adapt and implement these new rules.

This is not simply about exercising discretion, as the member opposite, the Leader of the Third Party, has said. It is also about exercising it fairly, responsibly and strategically. I'm not one to just hand out a sole-source contract to an individual. I'm not a fan of the friends-and-family procurement system. I'm not a fan of fast and loose or willy-nilly. I believe in clear rules, rational rules, and fair rules that are consistently applied. That is what I have asked the department to deliver. So we need time to engage with our partners — the First Nation governments, development corporations, stakeholders, Yukon businesses — to ensure we are maximizing economic benefits for all Yukoners.

There are avenues through which to engage, such as the Yukon Forum and the new stakeholder advisory group for procurement improvements, which will be assembled very soon.

It is also important to note that the Yukon is leading in this area of these brand new exemptions. The staff have contacted the seven other jurisdictions with these exemptions and only two have begun planning on how to use them — only two — and they are in a very preliminary phase. I think it is important to note that very few are actually executing on these and none are ahead of us in how to use these new tools.

I can tell you, Mr. Speaker, that Highways and Public Works staff are currently planning how to use these exemptions. They have been doing so for awhile now, and there's a good chance that we are, at the moment, leading the country in this field. As many Yukoners know, a lot of our projects take place in the summer season, and so the timing of the CFTA signing, which was in July, did not coincide well with our procurements.

We are now heading into a slower time of year. As everybody knows, November isn't exactly fast on the procurement front. We are not going to conjure projects simply to use these exemptions; however, we are going to evaluate the remainder of the projects for this fiscal year to find ways to optimize and use these exemptions to the fullest possible extent.

We have also been integrating this topic with our capital and O&M budget planning. We are here now in November and we are looking forward and focusing our minds on this issue, which is a top priority for all of our government departments — certainly for Highways and Public Works.

In the spirit of camaraderie and working together, I consulted with the Leader of the Third Party this morning, and I would like to propose a friendly amendment to the motion.

Amendment proposed

Hon. Mr. Mostyn: I move:

THAT Motion No. 209 be amended by adding the words “as is practicable” after the phrase “is used to its full extent”.

Speaker: I have had an opportunity to review the proposed amendment with Mr. Clerk and can advise that it is in order.

It is moved by the Minister of Highways and Public Works:

THAT Motion No. 209 be amended by adding the words “as is practicable” after the phrase “is used to its full extent”.

Just to be clear, then, the amended motion that is moved by the Leader of the Third Party would be:

THAT this House urges the Minister of Highways and Public Works to ensure that the *Canadian Free Trade Agreement* exemption that allows the Government of Yukon to reserve up to \$10-million worth of contracts for local businesses is used to its full extent as is practicable for the 2017-18 fiscal year.

Hon. Mr. Mostyn: I thank the member opposite, the Leader of the Third Party, for her lexicon, her vocabulary and her flexibility on this point. We had a conversation this morning and I really did enjoy the talk and the ability to talk about this issue with her on another level.

This motion paves the way for our support of this motion because, frankly, there’s still some work to be done before we can start implementing these exemptions. As I have said before, procurement is a complex and multi-faceted issue. There are other factors to consider on procurement decision-making, including the *Canadian Free Trade Agreement* itself, market factors, seasonal timing, budget and procurement planning.

How will we execute on all of this? There are two parts. First is choosing the criteria for which procurement is considered. The second is deciding how best to do the procurement itself. There are options for this, such as limiting invitational tenders to Yukon, limiting invitational procurement to a Yukon town or region with the use of strong, local preference criteria and value-driven procurement and direct awarding, which has been used in the past, but has some pitfalls.

What issues specifically are we trying to avoid? By addressing these complexities in the planning stages and doing some thorough analysis, which is already well underway, we will avoid wasting the exemptions on procurements that won’t make a positive impact on the Yukon economy. It has to be said that we’re not giving out 10 \$1-million cheques here. That’s not the purpose of these exceptions. We are looking at how we can keep the most money in the Yukon economy, instead of sending it out over our borders to other jurisdictions. We’re trying to be fair to the variety of industries in the Yukon that could benefit from these exemptions. We’re trying to build capacity to create jobs.

It’s better to think these things through from all angles to ensure we have a solid process — a Yukon process. We are

working hard to get this in place. We’re shooting to have something in the next month or two at the very latest. Then this process will evolve and improve over time. This is a first step. We will then use it and assess it, refine it and try it again. We’re also trying to avoid setting precedents that don’t make any sense; for example, doing locally restricted procurements for things like brush and weed control, when the tenders are typically won by Yukoners anyway.

However, we might try a limited procurement to a Yukon region that would help local firms benefit from a much larger contract. To do that, though, we would have to consult with those industries to discover what they need to succeed to properly deliver on such a contract. We need to put some thought into all of this and we need to hear from our stakeholders. A lot of this comes back to finding where the sticky dollars are, meaning dollars that are going to stay in our territory and contribute to the economy.

As an example, we might not choose to do a \$1-million procurement of goods that are not made in the Yukon, such as — and I mentioned this to the member opposite — calcium chloride, because the only dollars that remain in the Yukon are a slim profit margin. The rest would flow out to a major supplier.

Another concern is ensuring we keep enough competitive tension in the procurement process so the Yukon government doesn’t get gouged. This would mean ensuring that we are paying dollar figures that are realistic, competitive, or forecasted for the project at hand.

There are opportunities here, Mr. Speaker, including using local preference and Yukon content evaluation criteria in requests for proposals for, for example, architects, engineers, planners, analysts or IT businesses. We do a limited invitational procurement to Yukon companies only, one targeting a region or a specific community. Currently there are approximately five tenders, valued in range of the \$500,000 to \$1 million, that are forecast to be left by the Yukon Government before year-end. My staff will connect with departments to learn about any others that may be coming. My colleague with Community Services — whatever, there are other departments, of course, and we’re working together.

The numbers of tenders scheduled will most likely change as we approach year-end. Keep in mind we are committed to supporting employment and small businesses in our unique remote northern economy, and we want to do that in a way that ensures some competitive tension, yet maximizes economic benefits. The exemptions provide more opportunity for Yukon companies to bid on and win contracts. Rest assured my team at Highways and Public Works is working very hard to develop criteria that will guide us toward projects that will create value for Yukon. I have been told we are striving to draft the criteria in approximately four weeks.

This government is committed to getting money into local hands — Yukoners’ hands. It has been working on this all year. There are refinements and changes taking place all the time. We are already seeing some of those changes employed at the Nares bridge and other contributions.

We want to help build long-term jobs, economic growth and prosperity in our territory. We are supporting our communities — all of them — and this requires effort from both local vendors and the Yukon government, all departments. Success on the procurement front will come through thoughtful planning by procurement authorities and strategic participation by vendors with everyone working together in our northern economy.

We will work to ensure these exemptions are used to their full extent as is practicable during the 2017-18 fiscal year.

Mr. Kent: I am glad the minister was granted some leeway on the amendment because it was a very straightforward amendment — just inserting the words “as is practicable” — but it certainly has an awful lot of things that we can talk about with respect to how they can move forward with these exemptions.

I just want to take members back to over a year ago, October 11, 2016, during the election campaign. A news release was put out by the Yukon Liberal Party at that time, entitled “Yukon Liberals outline plan to support Yukon businesses, workers.” One of the bullets in that news release reads that the Yukon Liberals would, and I quote: “Double the exempt thresholds under AIT to (a) \$100,000 (goods), (b) \$250,000 (services), and (c) \$500,000 (construction).” It goes on to say that: “Procurement under those thresholds should be through competitive bidding only for (a) Yukon owned and operated business and (b) for those businesses that have an office and minimum two full-time Yukon employees.”

The concern that we have had — and we have been asking about these exemptions since the final day of the Spring Sitting on June 13, is why the government isn’t in a better position to enact these exemptions at this time. Clearly their platform set out what they wanted to do under the AIT, the *Agreement on Internal Trade*, which was the forerunner to the *Canadian Free Trade Agreement*, and you know, the numbers that they set out here, they got better exemptions in the free trade agreement — 10 contracts for under \$1 million that could be direct-awarded to Yukon companies. Even in their platform, they have defined what a Yukon business is — saying that it has an office — I’m assuming in the Yukon — and a minimum of two full-time Yukon employees.

Again, we’re curious as to why the government has been so slow to act on this when it was a specific platform commitment of theirs, going back to the early stages of last year’s election campaign.

Then again, as the Leader of the Third Party mentioned in the spring, the Minister of Economic Development did travel down to Ontario, I believe, and signed on to the CFTA, ahead of the spring session and again, we’re pleased that those exceptions for 10 projects were included in the CFTA and that the Yukon could take advantage of them.

When we look at June 13 of this year, the final day of the Spring Sitting, and toward the end of debate that day, we were in Economic Development debate, and I did ask the minister at the time about the 10 projects a year — up to \$1 million that can be exempted from the national procurement —

essentially restricting those to Yukon companies, which the Liberals have defined in their platform as an office and a minimum of two full-time employees.

The Minister of Economic Development at the time replied to me that this exception was negotiated under chapter 5 government procurement to support regional economic development — and he went on to say that an exception has been made so Yukon can bypass the procurement rules to tender contracts up to \$1 million, 10 times every year. Later on in that debate, he said, “Part of what we’re doing is just making sure that we develop a process to determine the eligible projects, but this is going to be something...” that would “...be driven out of Highways and Public Works.”

Later on in that debate, he said, “As we see this agreement implemented in the next number of weeks, it’s key to be able to identify your projects so you can maximize this.” I’m assuming he’s referring to this exemption.

Again, that was in June, a couple of weeks — a little over a couple of weeks — before the *Canadian Free Trade Agreement* was to be implemented. Then we went on this fall to ask a number of questions in Question Period about these exemptions. The minister said the criteria were being developed. Again, last week, when we were in debate in Highways and Public Works, as the Leader of the Third Party mentioned, the Member for Pelly-Nisutlin, the Leader of the Official Opposition, did bring up these questions, and the minister essentially, from what I understand, said that we wouldn’t be in a position this year to do it. I guess that’s the question that we’re wondering: Why? What led to the Liberal government being able to define what a Yukon business was and outline very specifically what they wanted to see the old AIT exemptions raised to in their platform, but then it seems like they just kind of put the pen down on this for almost a year now?

That’s the disappointing part, I think, for the local business community. I didn’t have the opportunity to attend the Yukon Chamber of Commerce event the Leader of the Third Party went to, but I understand the discussion there was quite favourable of this. The contractors who I have spoken to over the past year, essentially — and especially since this was announced — are excited by this opportunity.

Again, “as is practicable” — it’s disappointing that the government wasn’t in a position when they called the Legislature back in late April to have this framework in place for which contracts would be considered for these exemptions. It’s tough. I mentioned to the Minister of Economic Development and the Minister of Highways and Public Works, on the floor of this Legislature, that essentially they’re going to be picking winners and losers, whether it’s winners and losers now — the minister mentioned that they may go out to a specific region.

I mean, that is going to be tough if you’re not the region that gets picked for these 10 exemptions in a year. Is it going to be construction? Is it going to be vertical construction or design or some of the smaller road projects that take place throughout the territory? I don’t envy the government and the choices they are going to have to make with respect to this

because, you know, picking winners and losers is something — one of the contractors who I was talking to in the spring said that is essentially what was going to be happening here.

So again, like the third party, we are disappointed that we are at a point now where the government isn't ready. I mean, coming out of the election, they said they were ready to hit the ground running, but apparently, not on this — which is unfortunate, because it was something that, again, was announced on October 11 in their platform, along with a number of other procurement and contracting issues with respect to what they had planned to do.

I won't read them out in the House here today, but going through the list, I'm sure there are a number of these that haven't been acted upon with respect to the promises that the Liberals made to Yukoners during last fall's election — the Yukon contracting community, in particular, with respect to these commitments. So obviously, as I've said, they defined Yukon business — that was something that was included in the Procurement Advisory Panel recommendations — recommendation 17 was to propose updates to the contracting and procurement directive, including the definition of a "Yukon business".

When this document was initially prepared, it was felt that would be done over the long term, but again, we see that the Liberals had done that in their platform — with an office and two employees, you were good to go as a Yukon business. I am sure there are some contractors out there who would beg to differ with that definition that the Liberals have put forward.

But again, "as is practicable", in this case, certainly just doesn't cut it, given the amount of time — and obviously thought — that went into this platform commitment by the Liberals and the amount of time that has elapsed since this commitment was made — indeed, since the Liberal government won the election and was sworn into government in early December of last year.

Contractors will be disappointed and the chambers of commerce will be disappointed, but they will be anxious to see what the plan is for the Liberal government when it comes to this aspect of procurement and other aspects of procurement that I hear about — and I'm sure other members of the House hear about — on a regular basis.

We saw the one promise broken with respect to seasonally dependent tenders, but that said, we're looking forward to March 31 and having all the seasonally dependent contracts tendered by that day.

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. 209, and the amendment, accordingly adjourned

The House adjourned at 5:30 p.m.

The following sessional papers were tabled November 22, 2017:

34-2-43

Yukon Advisory Council on Women's Issues Annual Report 2016-2017 (Dendys)

34-2-44

Yukon Housing Corporation Annual Report for the Year Ended March 31, 2017 (Frost)

The following legislative returns were tabled November 22, 2017:

34-2-89

Response to oral question from Ms. Van Bibber re: student support services (McPhee)

34-2-90

Response to oral question from Mr. Cathers re: 2006 Yukon agriculture policy 10-year review (Pillai)

34-2-91

Response to matter outstanding from discussion with Mr. Kent re: cancelled projects in Dawson City (Streicker)

34-2-92

Response to matter outstanding from discussion with Mr. Kent re: memorandum of understanding between Government of Yukon and the City of Whitehorse (Streicker)

34-2-93

Response to matter outstanding from discussion with Mr. Kent re: Ross River bridge (Streicker)

34-2-94

Response to oral question from Mr. Hassard re: Wildland Fire Management three-year work plan (Streicker)

The following documents were filed November 22, 2017:

34-2-30

Biography – David Loukidelis QC (McPhee)

34-2-31

Whitehorse Correctional Centre Inspection Terms of Reference (McPhee)