



Yukon Legislative Assembly

Number 97

2nd Session

34th Legislature

HANSARD

Thursday, October 11, 2018 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2018 Fall Sitting

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DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun
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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
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**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, October 11, 2018 — 1:00 p.m.**

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

Prayers

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Streicker: Thank you, Mr. Speaker. It is a great pleasure to see Team Yukon here from the 55+ Games. There are a lot of folks, so I will apologize right up front if I miss someone: Glen Doumont, who is the executive director of the ElderActive Recreation Association; Rudy Couture; Alex Jegier; Tom Parlee, who is the president of the ElderActive Recreation Association — and who, by the way, won a gold, silver and bronze in discus, shot-put and long jump; we have Brenda Dion, who was our flag bearer; Jenny Trapnell; Donna Letang; Carol Cunningham; Monica Kulych; Loretta and Ben Warnsby; Ranjit Sarin; David and Mary Robertson; Gary and Linda Hewitt; Roger Hanberg; Lorne Whittaker; Carole Theriault; Ev Paschnyk; Don White; Barb Phillips; Bonnie Barber; Sue Meikle; Mike and Gail Craigen; Michel Gelinis; and Hank and Rose Leenders.

Can we welcome them for all of that hard work please?

Applause

Hon. Ms. McPhee: I ask my colleagues to help welcome to the House today Geneviève Doyle, who is with the Yukon Girls Rock Camp committee and a member of Something Shows collective. With her is Emily Farrell, a former producer of the Yukon Girls Rock Camp show in Dawson City and a volunteer here in Whitehorse this year.

Applause

Hon. Ms. Frost: I would like to welcome my beautiful daughter Alice and my husband Roger Hanberg to the Assembly today. Of course, there are also some great friends from Dawson City, Chuck and Bonnie Barber. Welcome.

Applause

Ms. White: I am going to ask my colleagues to join me today for the first time in seven years in welcoming my father, Don White, because he hates to be the centre of attention. One thing I would like to highlight is that we were told seven years ago on the floor of this Assembly by the then-Commissioner that it wasn't just us who bore the responsibility; it was our families. My dad, Don, has been steadfast, which is really fantastic. Thanks for being here, Dad.

Applause

Ms. White: I have one other because I didn't want to put them together. In the gallery, we also have Taryn Turner. Taryn is incredible. She taught me things that I didn't even know I needed to know about feminism and our place in the world. Taryn, thank you for being here. It's lovely to see you.

Applause

Speaker: Are there any further introductions of visitors?

Tributes.

TRIBUTES

In recognition of International Day of the Girl Child and Yukon Girls Rock Camp

Hon. Ms. McPhee: I rise today on behalf of the Yukon Liberal caucus on the United Nations International Day of the Girl Child, October 11, to pay tribute to Yukon Girls Rock Camp. I was hoping that all these folks would join up with the Yukon Girls Rock Camp, but they are busy doing other things. We are proud to recognize this day as celebrating the creative spirit and achievements of Yukon girls, and the advancements that they have made towards gender equality in the territory.

This year, I want to highlight a wonderful program that is supporting and empowering Yukon youth through music — the Yukon Girls Rock Camp. Yukon Girls Rock Camp aims to empower the voices of youth for healing, growth and change through music. They offer a week-long summer camp for girls and for gender non-conforming youth, ages eight to 18. This program began in Dawson City in 2015, culminating with a performance on the Dawson City Music Festival main stage. I assume that was nerve-wracking.

A consistent lack of female representation across genres of music has been acknowledged by the industry. The Dawson City Music Festival wanted to see more women on stage, and they decided to do something about it. Lineups have featured more female performers and Yukon Girls Rock Camp offers an opportunity for the next generation.

Dawson City Music Festival offers Yukon Girls Rock Camp to encourage more young girls and gender non-conforming youth to be loud and confident and to see themselves in more typically male-dominated spaces. They also have the goal of eventually seeing more northern youth in Canada's music scene, something I think we can all get behind.

Yukon Girls Rock Camp has now expanded and a camp was held in Whitehorse this summer. The response was enthusiastic and I know that the experience will have a lasting impact on all those involved — the campers, counsellors, organizers and audience alike.

I had the honour, with some of my colleagues, of attending the first ever camp showcase held at Epic Pizza in Riverdale at the end of the week-long camp. The room was full of energy and excitement. The performances were remarkable and it was inspiring to see these youth — many of whom had never picked up an instrument before the camp — making noise and confidently taking up space together.

Congratulations again to all of the campers, both in Dawson and Whitehorse, on your hard work leading up to the showcase. Your performances were a highlight of our summer. Yukon Girls Rock Camp demonstrates to our whole community that girls rock at whatever they put their minds to. Thank you to the Dawson City Music Festival and Something Shows for leading the change that you want to see when it comes to diversity on stage. Encouraging these youths to see themselves in the spotlight and share their voices and talent is a true success.

This camp and its organizers share the important distinction of being part of a small but mighty group that works specifically with and for young women and gender non-conforming youth. When we encourage our youth to reach their full potential and think outside the confines of gender stereotypes we benefit from a diversity of viewpoints, experiences and contributions that will strengthen and improve our whole society. We must support Yukon girls in reaching their highest aspirations.

Applause

Ms. White: I rise on behalf of the Yukon NDP caucus and the Yukon Party to mark today as the International Day of the Girl Child. It is easy to get bogged down in the realities that women — especially young women — around the globe face challenges, hardships and risks that their male counterparts do not. You will not need to look far to see images and information to feel overwhelmed. Today, we are going to take a deep breath and switch our focus.

Today, I am going to focus on the good — or, in this case, the awesome — that is the Yukon Girls Rock Camp. This camp is run by the Dawson City Music Festival for girls and gender non-conforming youth between the ages of eight and 18. I had the pleasure to speak with Lana Welshman, the founder of this initiative, and I wish you could have heard her radiate pride over the phone. She explained that there is a misconception that Girls Rock Camp is just a music camp. She assured me that it is so much more than just teaching music; it's telling and showing campers that they are valued and helping them navigate relationships — sometimes difficult relationships — in a healthy fashion.

Girls Rock Camp is more than just feel-good girl power, it is grounding campers and giving them the tools to deal with the realities of the world that they live in. It is about planting the seeds about who these young people will become, and that is an incredible gift to share. Four years and five camps in, it is now understood that although the leaders of these camps won't see what they have been able to do right now in the present, in 10 years' time these young people will have the skills and confidence to be who they are, and like Lana said, "That's pretty special."

Thank you to all of the role models who lead by example and build up the young women around them — our future only gets brighter.

Applause

In recognition of Canada 55+ Games Team Yukon

Hon. Mr. Streicker: I am excited to rise today to pay tribute to Team Yukon of the Canada 55+ Games and the ElderActive Recreation Association. ElderActive supports active living and wellness in body, mind and spirit for Yukoners who are north of 60 — or even like me, north of 55.

Their support for active adults in the 55+ Games has been unwavering. Five years ago, they had 350 members in ElderActive and, over the past five years, they doubled their membership and are now 750 members strong and growing. Not only does ElderActive administer Team Yukon for the games, but they also offer opportunities for active living year-round, including seniors' days at the Canada Games Centre and so much more.

Tomorrow, they are hosting a full day of events. All 55+ folks are welcome to join them for their semi-annual general meeting starting at 10:00 a.m. at the Elks Lodge.

I would like to thank the ElderActive Recreation Association for all you do — sport for life. This past August, ElderActive sent Team Yukon to the Canada 55+ Games in beautiful St. John, New Brunswick. From curling to cycling, badminton to bocce, scrabble to swimming and from tennis to track, we had a lot of Yukoners competing in a lot of events. We had 159 athletes on our team, including the Member for Copperbelt North. Team Yukon wore striking red and black jerseys.

People would come up to us and ask if there was anyone left in the Yukon. To put this in context, the Yukon fielding 159 athletes would be like Ontario bringing 64,000 athletes, which they didn't. Even though there might have been bigger teams than ours, Mr. Speaker, the Yukon cheering was the mightiest.

I want to congratulate all of the members of Team Yukon. It takes a lot of effort to prepare and compete at the national level. Team Yukon's dedication paid off. This year, the team came away with 83 and a half medals. I see some of those medals in our gallery today.

I spoke with Gary Hewitt, our half-medal earner. Every year, he has played doubles darts with a fellow athlete from Ontario, I think, and they split the medal count. It's part of the colourful charm of the games, which fuses competition with well-being, friendship and exchange. The Yukon shone on the podium and off, Mr. Speaker. Yukon's own Betty Hebert was recognized as the oldest athlete at the games. She sparkled. She turned 93 the week after the games.

Yukoners twinkled on the dance floor, both at the sock hop and at the kitchen party. Yukoners were radiant when they led a standing ovation for our New Brunswick hosts at the gala.

In short, I know we are so proud of Team Yukon for their spirit and enthusiasm — "Ah, ha, ha, ha, stayin' alive, stayin' alive".

The 55+ Games were inspirational for everyone, and I know Team Yukon is looking forward to 2020 in Kamloops, BC.

Applause

Ms. Van Bibber: I am pleased to rise today on behalf of the Yukon Party Official Opposition to pay tribute to the 2018 Canada 55+ Games and all the Yukon athletes. Each year, Yukoners who are 55 years old and older join together to participate in these annual games held in various regions across Canada. This past August, 159 Yukon athletes descended upon Saint John, New Brunswick and, after four days of competition, returned home with a record number of medals, 83.5 medals — 24 gold, 28 silver and 31.5 bronze medals. It's nothing to sneeze at. Well done to all who gave their very best.

I am going to repeat the story. I ask: How can one win half a medal? Well, definitely in the spirit of Canada and the spirit of the games, our Yukoner Gary Hewitt teamed up with a fellow from Ontario to take third in the men's double event in darts. Now we know how to achieve a half-medal count.

Track and field events, bocce, shuffleboard and Scrabble are some of the many games that Yukoners excelled at during their time there.

Some might know that I like to play the odd game of Scrabble and I send out big congratulations to all the Scrabble players who are top of their game. I like the fact that they add these brain games and make the senior games truly inclusive, as many cannot run and jump — like me — but still have so much to offer. The average age of our participants was 68 years; 11 were over the age of 80 and the eldest was 93. Our own Betty Hebert, a cribbage player, was recognized at the opening ceremony as the eldest female entrant.

By visiting new areas of Canada and meeting others while having a blast, these Yukoners become our ambassadors for all of us in the territory. They not only show the face of our energetic young elders and seniors but remind others that Yukon is a force to be reckoned with at any of these events. The sock hop and the Maritime kitchen party, and so much more, kept everyone engaged and laughing.

Whitehorse did bid for the next games. However, as we had hosted in 2004 and the Province of BC has never hosted, they will be held in Kamloops, BC in 2020. Now the fundraising starts all over again, trying to ensure that each participant has the opportunity to play without a lot of financial burden, and, of course, all the training will start.

The Yukon's red and black uniforms were eye-catching, and so everywhere, along with the Yukon hand flags, we had a great presence.

Thank you to everyone who assisted in the organizing, the fundraising and the logistics and to the chefs de mission and, of course, all of the athletes who have done us proud. Well done — and all the best in the 2020 Kamloops games.

Applause

Ms. White: I rise on behalf of the Yukon NDP caucus to celebrate Team Yukon 2018. As the third speaker, it shouldn't be hard to figure out which Team Yukon I'm referring to. We're lucky to have so many of them today with us in the gallery.

As we have heard, this year's Canada 55+ Games took place in sunny, agreeable Saint John, New Brunswick. My

numbers are a bit different, but I will say I have an inside scoop here with mission staff. All together, there were 159 Yukoners from five communities who got on planes to fly across the country to compete. There were 134 athletes and — way to go, ladies — there were 80 women and 54 men. There were 22 cheerleaders, because no sporting event is worth anything without a cheering squad, and last, but certainly not least, three mission staff — those hearty souls who organized, herded and made sure Team Yukon was present and accounted for at every competition.

The average age was a youthful 68, with eight participants over the age of 80. I would be remiss if I also didn't mention Ms. Betty Hebert, who deserves special recognition and who got it there at the games, as the most mature participant of the all the athletes at this year's games at the tender age of 92 or maybe 93.

This year, as has been said, there was a record haul of medals, with 24 gold, 28 silver and 31.5 bronze medals. As we heard, we can thank Gary Hewitt for that bronze half-medal. It's going to go down in history as the greatest medal in the world.

I consider myself to be a super fan of the Canada 55+ Games, with many friends participating, a mother on the mission staff and a father who both coached and competed in athletics, so a big congratulations to Team Yukon 2018 and we can't wait to see what you do in Kamloops in 2020.

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Pillai: Mr. Speaker, I have for tabling the Yukon Development Corporation 2017 annual report.

Hon. Ms. Frost: Mr. Speaker, I have for tabling today two responses to questions raised by the Member for Takhini-Kopper King on October 9.

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

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House supports the renewal of the federal-territorial health investment fund, which will see an investment of \$25.6 million over four years to support innovation in Yukon's health care system.

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

THAT this House urges the Government of Yukon to strengthen the independence of the Yukon Human Rights

Commission by making it an office of the Legislative Assembly.

Speaker: Are there any further notices of motions?
Is there a statement by a minister?
This then brings us to Question Period.

QUESTION PERIOD

Question re: School capacity

Mr. Hassard: Mr. Speaker, overcrowding in our schools has become a major issue in the last couple of years. With the population projected to grow even further, this problem will only get worse. Unfortunately, it has become clear that the Minister of Education has no plan to deal with this. When we asked about this last week, the minister spoke about buying portables and said — and I quote: “Nobody is needing them this minute — there’s no kids in hallways, there’s no issues with that...”

It turns out that the minister was wrong about no one needing them. We have now heard several stories of parents who are having to home-school their children because there isn’t enough room in the schools. Will the minister now tell us what her plan is to deal with overcrowding in the schools?

Hon. Ms. McPhee: Once again, the Leader of the Official Opposition is bringing forward information that I have not been apprised of. If he is aware of families who need assistance, we are certainly encouraging him and them to come forward to the department. We have been working very closely with families in various school districts across the territory to deal with their concerns or issues and to have children placed in schools, hopefully at their first priority and their first choice. We have made a number of adjustments in different schools across the territory to deal with the enrollment pressures that we probably all saw coming.

Again, as I said last week, this is not necessarily a terrible problem to have. We have a booming economy. We have a growing population and, of course, that puts pressure on our quite outdated infrastructure with respect to schools. With the exception of F.H. Collins, there have been no new schools — and, of course, that was a replacement school — built in over 20 years. We are working closely with our partners to make sure that these issues are being addressed going forward.

Mr. Hassard: It is certainly not a good problem to have if you are one of the parents or the students who are in this situation.

We have seen that the Liberals have found money to give the Premier a raise. They find money to spend over half a million dollars on a new logo. Now they are looking for cuts at the Department of Education of up to \$3.6 million and have no plan to address the growing issue of overcrowding in our schools.

The minister said last week that they didn’t need to do something urgently because — and I quote: “... there are no kids in the hallways...” Well, it turns out that the reason there are no kids in the hallways is because they are either wait-listed or being home-schooled. The minister’s lack of planning and leadership is only making this situation worse.

What will the minister do this school year to deal with overcrowding in our schools?

Hon. Ms. McPhee: The Government of Yukon, as the opposition is well aware — but it is very important to remind Yukoners — has a long-term capital plan with respect to Education. There is a five-year capital plan for projects generally with respect to the government, and we are working on what we hope to be a 10-year capital plan for Education.

I certainly take issue with the fact that either I or my department, which is working very, very hard on this particular issue, is doing nothing in response to this issue of enrollment growth and school growth here in the territory.

I’ll repeat — if a particular family has an issue and they have contacted the department, we have been working with individual families to resolve their concerns and their issues all through the summer, and we will continue to do so as they arise. If there are families that I am certainly unaware of at this time who have chosen home-schooling because of an issue with respect to a school, then we would be very keen to speak with them and see if we can help to resolve issues for them.

Our plan includes schools that we need to build, that we need to replace or that we need to maintain and modernize. Also, with the proper planning — this includes a functional plan or business case — we are making decisions going forward to address the enrollment issues.

Mr. Hassard: The Liberals are sending the wrong message by giving the Premier a raise at a time when they’re telling Yukoners that they need to find cuts in the Department of Education.

The Minister spoke about the five-year capital concept. We know that the minister has put Holy Family in this capital concept, yet so far, she’s been unable to give us any details as to what work will actually be done at Holy Family. We’ve asked if it is painting, renovations or a new school. We don’t know, and it seems that the Minister doesn’t know either. This is an important issue, Mr. Speaker, so can the minister tell us today how many students are currently on a wait-list to get into a school in the Yukon?

Hon. Ms. McPhee: As I’ve said, this is a situation that is well known to the Department of Education, I would expect is well known to the former Minister of Education and certainly is well known to me since I have been given the privilege of this job. The opportunities afforded to Yukoners and new Yukon individuals moving to our territory are great. We have issues with respect to enrollment in schools because our schools, despite the situation we’ve been in the past number of years, are filling up and individual families are working with the department.

We have situations with respect to catchment areas, of course, and it is something that the department is attempting to address with much seriousness. We have many families that have more than one home, so children are attached to more than one catchment area. If there are situations like that, we want to work with the family to make sure that’s the case; however, catchment areas with respect to schools are not the

only issue. Clearly, our growing population and increase in enrollment in all of our schools has become an issue.

The former governments had not built a school in more than 20 years and we're going to attempt to change that by having a 10-year capital plan going forward.

Question re: School capacity

Ms. Van Bibber: Earlier this week, the Minister of Education told this House that there were no local manufacturers of portables. I think the local manufacturers were surprised to learn that. Yesterday, several documents were tabled in this House listing local manufacturers of portables. These documents were found on the Government of Yukon's own website after one minute of searching, so this information was very public and very accessible. It is odd that the minister would suggest there were no local manufacturers for portables.

Can the minister tell us why she developed a plan to shop for portables in western Canada instead of shopping locally, given that there are local manufacturers here in the territory?

Hon. Ms. McPhee: I appreciate the question and the opportunity to clarify that what I intended to say — if I didn't say it word for word last week — was, in fact, that the tender that was put out in April 2018 for portables was not responded to by anyone, not a local contractor and not a contractor in western Canada. No one replied to that tender.

There is clearly a process for procurement. It doesn't involve me as the minister shopping for anything, quite frankly. It involves us having a public process where we seek individuals who might want to supply the object — in this case, portables for schools — that we were seeking.

I also indicated in the question last week that we sought other options by looking to other departments and other government-issue buildings that might be able to be used as a portable or retrofitted as a portable. That was not appropriate in the circumstances. As a result, we are still seeking to purchase portables, hopefully locally. That would be amazing, but it has not happened to date.

Ms. Van Bibber: I will remind the minister that she told the House there were no local manufacturers of portables. She went on to plead for information about any local manufacturers. After only one minute of searching on the government's website, we did find that information. We were left wondering how much attention the minister was paying to this file. Given that overcrowding at our schools is becoming a major issue, it is unfortunate that she finds that she's not on top of this.

Mr. Speaker, we know that there were no bids on the tender earlier this year to build portables. We have heard a number of different reasons from local contractors as to why this was the case.

We asked this question earlier this week, but the minister was unable to answer: Has the minister since asked for analysis on why no bids were received?

Hon. Ms. McPhee: I will answer the question on behalf of Yukoners because they deserve an answer, despite the personal insults, which I find to be disturbing.

Nonetheless, the situation involves an analysis of where we can get the proper buildings for schools going forward, a focus on our 10-year capital plan so that we can determine the best decisions that can be made on behalf of Yukoners for the purpose of addressing the high enrollment, primarily in our elementary schools here in the territory. As a result, yes, an analysis is being done about that, and quite frankly, many alternatives are being looked at. Creativity is being used. An opportunity has presented itself and we need to address it. As such, we need to make sure that we are taking good ideas from all places.

None of the local contractors who have been mentioned here today have contacted my department — the Department of Education — or me. I would be very happy to speak to them if the member opposite would provide me with a list of those individuals.

Ms. Van Bibber: Can the minister tell us how many portables the government will build or purchase this coming year?

Hon. Ms. McPhee: No, I am not able to answer that question because a tender went out and there were no responders. Information will come forward with respect to how we should address this problem, whether it is an additional tender — we are working with our partners at Highways and Public Works to determine how we might manage to get the buildings that we need, and that work is ongoing.

Question re: Home-warranty programs

Ms. White: A year ago today, this House adopted my motion to protect homeowners through a warranty program for new construction and renovations. The government did water down the motion by amending it to say — and I quote: "... explore an effective warranty program for new home construction and home renovations." Buying a home is often the single-most important purchase in a person's life, and over the years many Yukoners have paid a high price for shoddy construction. It is a full year after the government committed to explore this issue. Can the minister tell Yukoners what specific steps have been taken as part of this exploration?

Hon. Mr. Streicker: Last night, after the Legislature finished and we had this conversation, I spoke with the deputy minister and asked him to provide me a more detailed update on the plan. He assured me that it is part of the work plan for this year, and I will be happy to get back to the member opposite with specific details. Let me take the opportunity to state to this House that we are committed to programs that ensure that homes are properly and safely constructed. We recognize the significant investment that Yukoners have made in their homes and we will explore ideas that will give homebuyers more peace of mind and assurance about the quality of their new home or renovation.

In the Yukon, we do not have a mandatory new home-warranty program; however, a robust building inspection process exists for new buildings and renovations. I am happy to talk more in supplementary questions.

Ms. White: I look forward to those specifics. From Whistle Bend to downtown to many Yukon communities, there is a rush to build housing. With this rush comes concerns about shoddy work and the consequences that has on homeowners. Contractors and builders are also affected by this. A few bad apples give the industry a bad name, and that is why contractor associations across the country have welcomed homeowner protection. A year ago, the minister committed to exploring this issue. Can he tell Yukoners if his government will bring in a home-warranty program during its mandate? I am just looking for a yes or a no.

Hon. Mr. Streicker: I wish I could always accommodate the members opposite with what they want to hear; however, I am doing my best to respond to the question as it is presented. The answer, I think, depends on how we do with this exploration. If the exploration yields results that are positive and we are able to move on them, then I think we take the next step. The first step is to carry out the exploration of a home-warranty program.

I am happy to say that it is still part of the scope of work for this year for the department, and I got assurances last night that the work is planned for this year.

We always encourage prospective homebuyers to work with their contractor or home builder to ensure that a warranty is in place prior to purchase, and we have a great department of building safety inspections, and they do great work to try to ensure that our homes are safe for everybody, whether by the owner at that time or whether they are sold later.

We are aware that other jurisdictions have attempted to address this subject and will continue to explore this issue by reviewing their initiatives and resulting outcomes, and we will also consider how consumer protection could be best achieved in the Yukon without adding more cost and regulation to home construction.

Ms. White: My questions are not a criticism of any government department or the building industry — what this is about is protection for homebuyers.

My colleague asked about protecting homeowners in May 2017, a year and a half ago. Six months later, we had an entire debate about this, and the government committed to explore the possibility of bringing in a homeowner protection act, but a year later it looks like little has been done and the minister can't give us a straight answer. I would understand — when he sticks to his talking points — if we hadn't just brought this up yesterday.

This is an issue that should have been on the minister's radar at least since yesterday, and I think he owes Yukoners an answer. Does his government support a homeowner warranty program?

Hon. Mr. Streicker: I never thought that the member opposite was criticizing, and I do hope I give straight answers every time. My straight answer is that we support exploring a home warranty program. That's what we agreed to do. I checked last night with the deputy minister after I was done meetings — around 8:00 p.m. or something like that. I gave him a call. We had a conversation. He assured me that it is underway. He agreed to get back with details. I am not sure

that I can get it any faster for the member opposite. I apologize that I don't have it here, but I know that the department is working hard to get answers for the members of the Legislature.

Question re: Solid-waste management

Ms. White: Here is an opportunity to explore waste management.

Last week, we heard from an operator of a regional transfer station. Concerns were raised about the amount of material being brought to the transfer station from City of Whitehorse residents. Some residents are looking for ways to recycle still-functional furniture with no free store open in Whitehorse, and others are looking for ways to avoid paying the tipping fees charged at the Whitehorse landfill.

Our regional transfer stations are just that — transfer stations. This means an increase in the amount of materials being brought to the transfer station, which in turn needs to be sorted, loaded and brought to the Whitehorse landfill. This increases regional transfer stations being forced to divert valuable time, resources and money away from other important tasks.

Mr. Speaker, what is this minister doing to address the concerns raised by the transfer station contractor, including establishing tipping fees for transfer stations?

Hon. Mr. Streicker: Thanks very much again for the question.

Earlier this year, I volunteered at that solid-waste transfer station. I had spoken with the staff there. I've been trying to get to each one of the ones near Whitehorse to experience first-hand the concerns that they have. I spoke with the person whom the member opposite is referring to. We had a good conversation about this issue.

We recognize that we need to make our system more sustainable, and the great thing is that we have a Solid Waste Advisory Committee. Last year, they developed an action plan. That action plan has been supported by us as a government.

There are several steps under the solid waste action plan that deal with the regional pressures that exist. One of those was designated material regulations which, I was very excited to see, came forward on October 1. We're working on the next step on designated material regulations; part of that plan is to look at a fee system for all landfill stations across the territory to make it fair for all Yukoners and to make sure that we deal with pricing pollution up front and recover those costs to make sure that we have a sustainable system.

Ms. White: This summer, we also heard the Johnson's Crossing transfer station did not have adequate bins to meet the volume of garbage being dropped off. This unstaffed transfer station, which covers a large region, regularly had overflowing bins and garbage strewn about, as well as appliances, furniture and propane bottles being dumped there. This is an unstaffed transfer station that depends on someone in Whitehorse making the call on when the bins should be picked up and brought to Whitehorse. The concern for residents in the area is that the overflowing bins and garbage

have become attractants for bears — something no one wants to see.

Can the minister give us assurances that unstaffed transfer stations will be emptied on a more regular basis to minimize the risk of bear attractants and hazardous waste being left at the site?

Hon. Mr. Streicker: What I can let the member opposite know is that we are well aware of those concerns at the smaller transfer stations and, in fact, part of the recommendations that came from the Solid Waste Advisory Committee and the plan of action is to consolidate those smaller waste-transfer stations and to regionalize.

The issue is that the resources it takes to deal with those small transfer stations far outweigh their value, and it's better for us to consolidate. I know they are working on that plan. For example, I know the Community Operations branch is in conversation across the territory with municipalities about how that can and would work. I don't have an update today on how those conversations are going but, again, I'm happy to go back and check in with the department to see how that work is progressing.

What I will say is that we want to make sure that solid waste across the territory is sustainable over time and that we move more to a territory-wide robust system rather than a piecemeal system.

Ms. White: Transfer stations across Yukon are experiencing difficulties in managing what's coming into their stations. Many of these problems are the result of having tipping fees in Whitehorse but having none in transfer stations less than an hour away. This could be solved with a comprehensive plan that harmonizes the City of Whitehorse's waste management plans with those of the Yukon government.

In fact, municipalities, through the Association of Yukon Communities, asked for just that when they passed a resolution calling on this government to develop a comprehensive waste management plan. The lack of a comprehensive waste management plan has contributed to the increased traffic to peripheral dumps around Whitehorse and the corresponding squeeze on the staff time and facility resources.

Mr. Speaker, what progress has been made to ensure a comprehensive plan is in place that will alleviate the unsustainable and unnecessary pressure on Yukon's regional transfer stations?

Hon. Mr. Streicker: The progress is what I have already been describing. We already have the plan. That's the plan I have been referring to in my last two responses. It is in place. That's great. It was developed in direct consultation with an advisory group that was made up of municipalities, the Department of Environment, the Department of Community Services' Community Operations branch. It was done to make this robust, sustainable, territory-wide plan.

The great news is that some of the steps that we started are already starting to make a difference. I was just at the Tagish solid-waste facility this past weekend, and I had been there two weekends before, volunteering for the day. I had

spent a day moving electronics and e-waste to get it under cover because it was overflowing, and it was all gone already. That's due to the designated material regulations, which we just brought in. That's terrific.

I saw a big backhoe picking up all the metal and putting it into a compactor, and that metal pile is nearly gone. There are things that are happening. I'm happy to see it. There are more pressures. It's great that we have a solid waste action plan for the whole of the territory.

Question re: Francophone high school

Mr. Hassard: Earlier this week, we asked the Minister of Highways and Public Works about the restricted list he added on September 27 for companies bidding on the francophone high school. The following quote from the minister was about this restricted list: "That was a commitment that I made to the industry at the very outset of this contract."

Can the minister tell us exactly when this commitment was made to industry, and did he let KZA know in the spring that they wouldn't be eligible to participate?

Hon. Mr. Mostyn: I appreciate the opportunity to talk about procurement again and to talk about how we're procuring goods and services in the territory, trying to right the procurement processes and make sure they are fairer, more transparent and work better for our contracting community.

The member opposite has referenced a few times our five-year capital plan, and I appreciate the attention he is bringing to the plan that we have in place. As well, we have all sorts of other things we are doing — the 10 \$1-million exceptions — the first jurisdiction in the country to have those in place and to be using those. We are using them again this year. I am very happy to be doing that. We are actually using them on this very procurement.

We are doing an awful lot to right procurement, and there is a reason why we are doing that. That is because, when we came into office, there was a procurement improvement plan that had come about because it was being done poorly. We recognize that and so we're taking steps to improve it. One of the things we are doing is making sure it is fair for all contractors. One of the policies is that, if you design the school and if you are involved in the very front end of a design/build, you don't get a chance to build it later. That is an established rule in procurement and so we're following that rule.

Mr. Hassard: If the minister made this commitment to industry, in his own words — and I quote: "... very outset of this contract" — then why was the restricted list of bidders not included in the original tender and was only issued 43 days later?

Hon. Mr. Mostyn: This government has taken action on all 11 Procurement Advisory Panel recommendations to improve procurement. We now have standard clauses in our value-driven procurements that give points for First Nation participation and northern experience and knowledge.

Since June 1, 2017, we have tendered 157 value-driven procurements with these mandatory clauses. We are investing

in ongoing skill development, with more than 100 employees enrolled in a professional procurement certification program, and we have partnered with the Organizational Development branch to create a procurement training framework to ensure procurement is conducted by staff with appropriate expertise. Part of this developing of expertise means we follow the rules. That is what we are doing.

In terms of the addendums that the member is speaking about, those addendums come about — I am not involved in this procurement process at all. The department handles addendums. If they get questions that require clarification, they put the addendums out. I presume that is what has happened in this case.

Question re: Education assistants

Mr. Kent: Yesterday, we asked the Minister of Education about support staff in our schools, particularly education assistants or EAs. A number of parents reached out to us about this issue after we asked those particular questions. The minister told us that, as of yesterday, there were approximately 245 FTEs working in the schools as support staff, which, of course, includes the EAs.

Can she tell us today if this is an increase or a decrease over last year and how many schools have seen changes to their EA complements over last year?

Hon. Ms. McPhee: At the end of August 2018, we had 239.8 FTEs for education assistants, and I think the number that I referred to yesterday was that, as of October 1, 2018, we have 244.67 FTEs.

Mr. Kent: Yesterday, we highlighted that, at the same time the Liberals are giving the Premier a raise, they have asked the Department of Education to find up to \$3.6 million in cuts. When we asked the minister if these cuts would be found in the program areas of educational assistants or Student Support Services unit, she wasn't clear and spoke of efficiencies or potential cuts.

Can the minister assure this House today that there will be no cuts or reductions to the budgets for EAs or Student Support Services?

Hon. Ms. McPhee: I believe what I said in response to this question, which I think was just yesterday, was that departments have been asked to find efficiencies — to tell us where they can spend money better and more appropriately — without cutting programs. They are the experts in their departments. They will make those recommendations to us and we will consider those going forward in next year's budgeting process.

Mr. Kent: Based on figures that the minister gave us in her first response, it looks as though the number of EA FTEs has gone up by about five since the beginning of the school year.

Based on applications still outstanding from schools for additional support, can the minister tell us how many additional EAs are anticipated to be added in the current school year? What is the budget allocation for those EAs?

Hon. Ms. McPhee: The member opposite is correct. The budget has increased with respect to that, but as he also

well knows, the allocation of EAs in schools across the territory is an ongoing assessment. We might have new students; we might have students who present with different issues or need services of different kinds and that can change throughout the year.

We have not had any supplementary budget brought forward to this House for the Department of Education at this time. Those issues are being managed within by, may I say, an excellent staff who are turning their minds very closely to the details of the Education budget. As a result, I cannot give an answer as to what the anticipated issues will be going forward, because they change as the needs of students change and that is what we focus on.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 24: Access to Information and Protection of Privacy Act — Second Reading

Clerk: Second reading, Bill No. 24, standing in the name of the Hon. Mr. Mostyn.

Hon. Mr. Mostyn: I move that Bill No. 24, entitled *Access to Information and Protection of Privacy Act*, be now read a second time.

Speaker: It has been moved by the Minister of Highways and Public Works that Bill No. 24, entitled *Access to Information and Protection of Privacy Act*, be now read a second time.

Hon. Mr. Mostyn: It is my pleasure this afternoon to introduce Bill No. 24, *Access to Information and Protection of Privacy Act*, for the Legislature's consideration.

This bill will replace the Yukon's existing *Access to Information and Protection of Privacy Act* with modernized legislation regulating the protection of personal information held by public bodies and the public's access to information held by public bodies.

Twenty-six years ago, Mr. Speaker, when the act was first proclaimed, the world was a far different place. I was younger — an ink-stained wretch banging out words on a green iMac in a tiny crowded room. Often I was covering this Legislature. Most communications in those days were done over the telephone or face to face and snail mail set the pace of correspondence. Forms were filled out by hand, in triplicate, and filed in paper record systems that required archivist expertise to manage and retrieve information. You wouldn't have believed the morgue at the *Yukon News* — it was a nightmare.

We got news of new music from *Rolling Stone* or *SPIN*. We obtained up-to-date facts about the world economy from an almanac that was published once a year. We got our movie reviews the same way; we could pull the information out of the latest edition of *The Globe and Mail*, which, if it made the

plane, arrived the day after it was published down south — got it down at the bookstore on Main Street.

At this time, the Internet was just emerging. E-mail was a new technology used sporadically and the development of electronic databases for information management was just emerging. Google wasn't founded yet — not until 1998. Facebook wasn't created until 2004. Big data and its promises were the realm of archivists, scientists and dreamers.

Skipping ahead another decade or so, the increase in our use of computers and mobile technology has led to a cultural shift in how we interact with the information world.

When we want information we can find it at our fingertips, on our smartphones, tablets or laptops, in our homes, our cars and our public spaces, through speakers that we just spread around the house. Society as a whole has come to expect almost instant and certainly regular access to online services, which increases our awareness about how essential information is — particularly our personal information.

We only need to look at news any day to see this cultural shift. Access to information and protection of privacy issues are ever-more prominent in today's world. Look at the example of Cambridge Analytica and Facebook data leaks. The public continues to be very concerned about their information, along with the ability of government and business to collect it and secure it. The shifts in political realities can impact the security of information depending on where it is stored. The monetization of information as an asset to business and the public demand for government transparency and accountability depends on access to information.

One thing is certain, as the world changes in ways no one fully imagined in 1995 when I was a young man, bringing in stronger access and privacy legislation is vital to maintaining our democratic ideals. As the former editor of the *Yukon News*, I fully understand the frustration media and members of the public have had with our outdated existing legislation. I believe government information should be available to its citizens. I also believe our citizens' personal information should be properly safeguarded, but as a territorial government minister, I do not believe it is appropriate to strong-arm municipal and First Nation governments into adopting this legislation.

We live in a democratic society. It is strengthened by information; however, the decision about whether or not to adopt this legislation needs to come from municipal governments and their leaders. That's how democracy works. I don't believe in imposing this legislation on the publicly elected governments of this territory.

I do want to provide the option for them to opt in to our legislation because I believe in it. As I have stated, I also believe in a citizen's right to know and right to have their personal information protected. Those ideals are built into this legislation. We are committed to being accountable to the public in providing better services to Yukoners while protecting rights to privacy. This bill delivers on these commitments and is firmly founded on the core principles of protection of privacy, transparency and accountability.

The purpose of this proposed legislation is threefold: to ensure that the personal information about individuals held by public bodies is well protected; to enhance services to Yukoners while protecting their right to privacy; and to be more transparent and accountable to the public. A good portion of this bill focuses on protecting personal information that is held by public bodies. It sets out rules for when and how public bodies can collect personal information, what they can use this information for once it has been collected and in what circumstances that information can be shared with another public body or the general public. It requires that all public bodies maintain adequate security for the personal information held.

This part of the bill also gives individuals the right to ask for corrections to personal information held by a public body. The proposed legislation further protects Yukoners' personal information and builds a culture of privacy.

For example, one significant change is the requirement for ministerial bodies, where a minister is the head of a public body, to incorporate privacy-by-design principles before implementing new programs or services, including the implementation of new systems or implementing changes to existing programs, services or systems if the change impacts the collection, use or disclosure of personal information. In this way, privacy, data protection and compliance are built into programs from the start as a good governance practice. Including privacy-by-design principles will always be accomplished with a privacy impact assessment. Privacy impact assessments have been in use in the Government of Yukon for some time, and they will now be legally required. While all jurisdictions in Canada use privacy impact assessments to some degree, the majority of jurisdictions provide for the use of privacy impact assessments in government policy or directives. However, in some jurisdictions, the requirement for this type of assessment is set out in legislation, which is the direction we are taking with this bill.

To help fulfill the duty and responsibility of protecting personal information held by a public body, the bill establishes key roles for a privacy officer and an access and privacy officer. A privacy officer will be appointed by the head of each public body, that is to say, each department. This privacy officer will be the point of contact for employees of a public body to address issues related to compliance with the privacy provisions in the proposed legislation. The privacy officer will investigate privacy breaches reported by government employees and assess an unauthorized collection or over-collection of personal information reported by government employees. The access and privacy officer may, if they consider it necessary, conduct inspections of a public body or program or activity of a public body to ensure compliance with the act.

Another significant change is providing the Information and Privacy Commissioner with the ability to conduct compliance audits in specific privacy matters. For example, if a recommendation from the Information and Privacy Commissioner is accepted by the head of a public body, the

commissioner may choose to audit the public body to ensure that the recommendation was implemented and/or implemented properly.

Finally, the new privacy part of the bill will allow government and partner agencies to collaboratively share personal information to better serve children, youth, adults and families. This integrated approach is commonly known as “integrated services”. An integrated service refers to a program designed to benefit an individual, which is delivered by one or more government institutions and may include other parties, such as First Nations, municipalities and non-profit agencies. For example, a multi-agency team could be created consisting of various senior decision-makers from the Department of Education, Justice, Health and Social Services, the fire department and the Royal Canadian Mounted Police to mobilize resources to address individuals or families with acutely elevated levels of risk of probable harm occurring to them or to their community. The current act does not allow for this type of approach, even though it has been shown to improve outcomes in other jurisdictions. Generally, other jurisdictions are authorized to create this type of service via an information agreement, but we are proposing a higher threshold test by requiring such services to be created via regulations. We are also proposing an additional safeguard measure. A privacy impact assessment will be required and given to the commissioner before creating such a service.

The bill also contains rules around access to information. It provides the public with a process to obtain access to most records in the possession or control of public bodies. This right of access is so important for maintaining an open and accountable government. When the public can see how government is functioning and how they are doing their work, they are better able to participate in government and to hold government institutions to account. In the bill, public bodies are required to routinely publish certain types of information — for example, final reports, evaluation or audit reports, data sets, policy manuals, frequent requests for access to information, et cetera.

Privacy impact assessment summaries will also be available to the public to inform them that government has properly considered the privacy rights of citizens in new programs, et cetera.

Routine proactive disclosure means that the government will be opening its doors without anyone having to knock on them. Proactive publication details will be determined in regulation.

Yukoners’ feedback from the recent engagement survey will be used to help us craft the regulations. We are also proposing a public interest override. The public interest override recognizes that, even when information fits into a category that should not ordinarily be disclosed, there may be an overriding public interest in disclosing it to an applicant or to the public at large. In this respect, the public interest test is a kind of lens that public officials must look through when they are exercising discretion as to the disclosure.

The bill provides a couple of ways for a public interest override to be activated: a general public override, where the

head of a public body must not deny an applicant access to information if it is determined that the public interest outweighs the public interest in withholding the information from disclosure; and empowering the secretary of the Executive Council to grant an applicant access to any information held by a public body, despite the nature of the information or record, if they are satisfied that the public interest in disclosing the information outweighs the reason for not providing access. This includes information contained in a Cabinet record.

This will provide government with the flexibility to fully disclose information if it is in the best interest of the public. Cabinet records will be available after 10 years rather than the 15 years that it currently stands at. This is the earliest in the country.

We are also repealing some of the changes made to the ATIPP act in 2012. That year, briefing book information was no longer accessible via an access-to-information request. Yukon was the only jurisdiction in Canada to remove briefing books from the right of access.

We are now proposing to re-establish the right to request access to information contained in records prepared by a public body for the purpose of briefing the Premier in relation to the formation of a new government, briefing a minister in relation to their assumption of responsibilities for a department or corporation and briefing a minister in relation to a Sitting of the Legislative Assembly.

We are also repealing the exception to access to information revealing the consultations or deliberations involving officers who are employees of a public body because it is overly broad and included deliberations among employees of a public body. Repealing these amendments will strengthen the principle that government information is managed for public purposes and the public has a right to that information.

Another policy shift to highlight is that the bill establishes an exception to an access request when a public body has — and I quote: “... accepted information in confidence from the third party” or from another government. With regard to third party, the current act states that a public body must refuse to disclose information that would be harmful to third party business interests. It applies a three-part test — the information supplied implicitly, or explicitly, in confidence, and will it harm business interests.

Proposed change — the exception related to business information will now be applied to business information that is accepted in confidence. Regulations will identify how this type of information must be provided for a public body to apply the accepted-in-confidence exception. The goal of this change is to provide the needed certainty to third parties, other governments and public bodies as to what information can be accessed through an access request and what information is not able to be released.

The harm test — disclosure harmful to third party business interests will still be applied but only to information that is not — and I quote: “... accepted in confidence...” to ensure information that may harm a business is still protected.

I want to stress that the public interest override applies to this type of information and gives the government discretion to disclose this information.

Throughout the development of the bill, consultations with a range of stakeholders have taken place. We spoke with the Information and Privacy Commissioner, Yukon government staff, the media and the public. I can say that we listened. The bill integrates what we heard from Yukoners, stakeholders — including the Commissioner — and Yukon government departments.

I especially want to extend a thank you to the Yukon's Information and Privacy Commissioner for a fulsome review of the draft legislation and a constructive criticism that helped to make the bill stronger and better. I had the opportunity to meet her in her office a few weeks ago — I was the first minister to do so — and we had a really great talk, and some of that conversation actually made it into this bill. The amendments were made while it was in draft form.

The key issues raised are addressed here. The bill increases ways to ensure compliance across government and enhances customer service by making more information available to the public.

As the digital world continues to grow, it is our responsibility to ensure that our legislation is flexible to meet our changing needs. For example, currently a person needs to provide their personal information, such as name, address, e-mail address and/or phone number separately to access government programs or services. Right now, you could have your name in Environment, Health and Social Services, and Highways and Public Works. When you move, you have to go to each of those agencies individually and update it; you don't know what information each agency has. That's unwieldy. It doesn't work. It doesn't work for the public and it doesn't work for government. We want to clear that up.

Proposed new legislation supports a government framework for an individual to update their personal information online or to access government services online at the individual's request.

Moreover, through regulation, one or more public bodies or partner agencies could combine personal information contained in one data set with personal information in another data set for a purpose other than that for which it was originally collected. Allowing for government to make evidence-based policy decisions also benefits the public interest — for example, injuries reported at our medical centres combined with types of road accidents will inform whether any targeted public safety campaigns should be made to improve road safety.

We believe that this bill builds on the core principles of the existing act and replaces its outdated elements with modern and flexible ones designed to better achieve the objectives of public body accountability and transparency.

Before I conclude, Mr. Speaker, I want to acknowledge my colleagues on this side of the House — specifically the Minister of Justice, who was just a wealth of knowledge in preparing this bill with her experience in her private life. I don't think this bill would be half the bill it is without her

involvement. Even though I'm giving the speech this afternoon, she has been integral and a huge part of this bill and I want to thank her, as well as kudos to — I would like to call out the Information and Privacy Commissioner for her input on this thing and the media and all the people who made this bill so flexible and modern.

I want to thank you for your time today, Mr. Speaker, for your consideration and review of this important legislation, and I look forward to hearing the remarks of the members of this House and any comments they may have.

Mr. Kent: I'm pleased to speak on behalf of the Official Opposition to Bill No. 24 at second reading here today, which is the *Access to Information and Protection of Privacy Act*. I wanted to start out by thanking all of the officials in Highways and Public Works who have been working on this for a number of years since the review was initially launched, and a special shout-out to a recently retired ADM, Mr. Kevin Macdonald, who was instrumental in initiating this during my time as minister. I appreciate the work that officials have continued with the change of government a couple of years ago.

I'm going to start off by saying that we in the Official Opposition will be supporting this bill during second reading today with the assumption that the concerns of the Information and Privacy Commissioner — or IPC — will be reviewed in full by the government and addressed during Committee of the Whole. I'll note the motion brought forward by the Third Party yesterday, asking if the Information and Privacy Commissioner would be able to appear here during Committee of the Whole as a witness to speak to those concerns and have members ask questions. We are supportive of that motion that the Third Party gave notice of yesterday and we're hoping the government will also take them up on that offer and ask the IPC to appear here before Committee of the Whole.

I'm going to highlight today some of those concerns that the Information and Privacy Commissioner registered. I want to get them on the record and trust that the government will take the matters under advisement and will work on amendments to the bill as presented.

There are a number of positive changes contained within the bill, such as increased transparency by public bodies in the way that specific records and information will be made public. Additionally, public bodies must have privacy management programs and they must submit privacy impact assessments to the IPC for integrated services, data linking and when establishing an identity service.

Breaches of privacy must be reported to individuals and to the IPC, and the powers of the IPC will be expanded. This will give the office the power to initiate complaints and conduct privacy compliance audits.

These are all good changes and, as mentioned by the Privacy Commissioner, have her full support. We are looking for some clarifications on a number of changes made to this act and we look forward to going into more detail in Committee regarding the questions that we have.

We are also hoping to have addressed the initial concerns brought to the government's attention by the IPC, and they are as follows: first, the onus is placed on complainants to go to court if a public body rejects a recommendation made by the IPC. Complainants should not be required to initiate action in court or foot the bill against a public body. Second, the legislation does not include the information security obligations of public bodies. Adequate security requirements should be embedded within the legislation and not tacked into the regulations. Third, the legislation introduces the use of protocols to exercise authority. The IPC is concerned that this places too much power in one person's hands, which may in turn negatively impact citizens' rights.

Another issue is that offence provisions included in the bill may not be strong enough to encourage compliance. Fines are too low and will not serve the deterrence function. The IPC further notes that this may in fact be balanced out by the addition of a term of imprisonment if one is found guilty.

Another one of the issues raised by the IPC is that there is no offence for failure to notify individuals about a breach of their personal information when there is a significant risk of harm due to that breach. An offence should be included to remedy this oversight.

Finally, another concern that we wanted to highlight that the IPC brought forward is that the power of public bodies to collect, use and disclose is too high and should be limited. The IPC references private information that may be available by means of social media and that public bodies may in fact use and disclose.

Mr. Speaker, as I mentioned, we will be supporting this bill at second reading today. I look forward to speaking to specific concerns that we may have, as well as those disclosed by the IPC during Committee of the Whole debate. I trust that the government has taken the time to analyze the concerns brought forward by the Information and Privacy Commissioner, as they are extremely important to Yukoners and will ultimately lead to a stronger piece of legislation for Yukoners. Of course, we want to make sure that there is willingness by the government to either bring forward amendments during Committee of the Whole or perhaps take the bill that is on the Order Paper out and amend it — potentially even bring it back in the spring, if necessary, if those amendments can't be accomplished during the current Sitting.

Again, we thank the minister, with special thanks to the officials and to the IPC for her work and her involvement. We look forward to getting into Committee of the Whole on this bill at a future date.

Ms. Hanson: I am happy to rise to speak to Second Reading of Bill No. 24, *Access to Information and Protection of Privacy Act*.

The member opposite made reference to the fact that access to information and the right to information is an issue that has long been of importance to him.

I can tell you from the point of view of a Member of the Legislative Assembly, this is not the first time that either I or

my colleague have been involved in the debate of ATIPPA. In the 33rd Legislature in 2012, we were faced with a very long and protracted discussion — if you could call it that — on the then-amendments that were made in the 33rd Legislature to the *Access to Information and Protection of Privacy Act* — amendments that, in fact, made access to information in the Yukon more difficult and, as a result, government less open and less accountable.

It was commented at many venues that it took this territory backward in terms of access to information when it was compared to other provinces and territories. We were very hopeful when the Member for Copperbelt South referenced the soft launch — as it was called then — of the review of the *Access to Information and Protection of Privacy Act* when the Information and Privacy Commissioner in December of 2015 gave all members of that Legislative Assembly — and subsequently, this Legislative Assembly — a very detailed analysis and recommendations with respect to proposed amendments to the legislation that were required — again, as embedded in the legislation, the five-year review — the five-year review that hadn't occurred and has now finally happened.

When we are talking about access to information, let's be clear that the fundamental principle should not be on limiting access or even the concept of access; it is the right to information — it is the fundamental right to information. It is from that basis that we understand — and that is the lens that has been applied to the legislation and to the recommendations made to the government by the Information and Privacy Commissioner. We are pleased to see that this government has brought forth an act that goes a long way to recognizing the needs of people of the territory to have access to information and to ensure, not just by words but by actual legislation, that Yukoners will now have assurances in legislation around the protection of private information.

Once again, the minister opposite made reference to the good work of the Minister of Justice — the good work that the Minister of Justice did during her tenure as the Information and Privacy Commissioner. There must be a sense of Yogi Berra here — it's déjà vu all over again — because the Information and Privacy Commissioner has complimented the government on the extensive amount of consultation and then has said — and I think as the member on this side from the Official Opposition has pointed out, she has not just identified and acknowledged very publicly the extensive consultation, she has also acknowledged that to this side here when we reached out when the legislation was introduced to say: "Have you been consulted? Because we have seen instances where those individuals who should have been consulted were not consulted."

We were very happy to hear that, but I have to say, Mr. Speaker, that I was concerned, and our party was concerned, when we saw the release of October 9 from the Information and Privacy Commissioner, because when the Information and Privacy Commissioner acknowledges — and I'm quoting — she says: "My office was consulted extensively throughout the process of drafting the bill..." and

she acknowledges the positive changes made. She also went on to say — and I quote again: “I do have deep concerns about some aspects of the draft bill.”

Mr. Speaker, we believe that it’s time to not go halfway again on access or right to information in this territory. This government campaigned and say almost every single day how they go on evidence-based and best practices. Here we have the opportunity to ensure — ensure — that we are, in fact, as legislators in this Assembly, passing the best *Access to Information and Protection of Privacy Act* that is possible in Canada. Why settle for less?

That’s the reason why we felt it is so imperative that, after all the extensive consultation and if there are only a limited number — an enumerated number of concerns — raised by the Information and Privacy Commissioner, then I think that we owe it to that office of the Legislative Assembly who will be charged with the responsibility for ensuring that this legislation is effectively implemented. We owe it to that office to have a hearing that allows for the expression and a discussion of why certain courses of action were chosen not to be followed when the recommendations were made.

What was the overriding concern by the government with respect to the notions that the Information and Privacy Commissioner has identified when she identified the improvements that she believes still need to be made to this bill? I think every member of this Legislative Assembly, before we vote on this bill, needs to hear from the IPC — the Information and Privacy Commissioner — why she is concerned about the provisions that are left in the bill as it is now that make it up to the complainant to go to court if a public body rejects a recommendation made by the IPC. She not only pointed out that her recommendation was to establish an alternate level of adjudication with an order-making power, she also said that there was an alternative here. The IPC recommended that the Yukon look at adopting the solution used in Newfoundland and Labrador under their act, which requires the public body to go to court to refuse a recommendation. Neither of those recommendations was accepted.

The Legislative Assembly, before we vote on this, needs to understand what the reasoning was behind that and needs to allow the Information and Privacy Commissioner to have that discussion with us so that we understand the implications and not end up with yet another flawed bill. We need to understand why the government did not address the concerns that she had with respect to — and we raised this during the briefing ourselves — the notion that the information security obligations of public bodies are not contained in the legislation but are being left to regulations. There is a concern, as the IPC identified, that regulations can be easily changed. As we have seen with legislation, it’s not so easily changed. If we’re really serious about the security obligations of public bodies, I think we need that conversation, and I would like to have the IPC explain, based her vast experience and experience across this country, why that approach is preferable to what has been chosen by this government. An

open and transparent government is willing to have that conversation.

Why did the government choose to use protocols to exercise authority, as the IPC pointed out, placing too much power in one person’s hands? The IPC — and I was really interested in this one because the concerns that she raises are with respect to the offence provisions not being strong enough to encourage compliance. We just had introduced into the Legislative Assembly legislation with respect to lobbying. When I look at the penalty provisions in the lobbying legislation, we’re talking about a first offence fine of not more than \$25,000 and a second or subsequent offence fine of not more than \$100,000.

That’s lobbying — that’s a legitimate activity. So if somebody is not following the rules on that — but if you’re dealing with somebody’s privacy, you’re dealing with violations of some of the most fundamental rights in terms of an individual. We’re saying that the penalty is up to \$5,000. I would like to know how the government believes, contrary to what the IPC says, that this is an adequate deterrence factor. I would like to have that conversation. I would like to have that conversation led by the IPC so that we can understand what other jurisdictions are doing and why the Information and Privacy Commissioner made the statement that this could mean that the offenses in Bill No. 24 may not serve a deterrence function. She did offer and suggest that you might balance that out. We would like to hear why the government chose not to balance it out in terms of the approach taken by the government.

The IPC expressed real concerns about the lack of an offence for the failure to notify affected individuals about the breach of privacy. We see that. We know how pervasive that is and the IPC identified that in her notes to the press release on October 9. She talks about this in her note, and it’s a concern that we’re seeing increasingly through the dissemination of information about us all everywhere, and people’s concerns need to be taken seriously. The legislative tools that we have are one aspect of how we deal with this. The Information and Privacy Commissioner is saying that she doesn’t believe that this legislation goes far enough. I believe that, as legislators, we need to hear that and we need to see whether or not there are ways that we could collectively address the concerns that she has identified.

As she says, the pervasiveness of privacy breaches and the ease with which large amounts of personal information can be breached — she says that this is the reason why most modern privacy laws include privacy breach notification provisions, with failure to notify being an offence. She talks about HIPMA, our *Health Information Privacy and Management Act*, as a good example.

I don’t understand why we would have failed to do that with this legislation. She offered a remedy. I would like to know why and have that conversation in this Legislative Assembly with the IPC about why the government chose to ignore the proposed remedy that was to include an offence when required notification doesn’t occur of a breach of privacy.

There are a number of areas where the Information and Privacy Commissioner has raised significant concerns. I want to take real issue though with the way the minister chose to describe or typify the comments made with respect to the Information and Privacy Commissioner's comments and the concerns she raised with respect to the fact that Bill No. 24 does not apply to municipalities.

The language used was that we're not going to be strong-arming First Nation governments and municipalities. I don't think anybody was suggesting strong-arming. I would suggest that, as I said yesterday in this very Legislative Assembly when we were talking about another matter, there's a very different relationship that the Yukon government — maybe the minister doesn't quite get this yet, but he has a very different legislative, legal and constitutional relationship between his government and First Nation governments and municipal governments.

In fact, he does have it within his legislative purview — this government does — to make legislation that pertains to and affects municipal governments. Not so with First Nations. If there was an intention of this government to suggest that it was an intention that ATIPP or territorial access to information legislation should apply to First Nation governments, then they would be triggering a whole other aspect of the self-government agreement, and so the terms of consultation and the definition of consultation would be very different from what has been followed by this government with respect to the act to amend this legislation.

I think, again, the minister's comments reinforce the absolute imperative to have the Information and Privacy Commissioner appear before this Legislative Assembly. Her comments, Mr. Speaker — and I'm going to read them into the record, because they counter what the minister said. She was not talking about strong-arming.

Mr. Speaker, I believe in August, I attended a session the IPC held for members of the access to information community — I don't know what else to call it — throughout the Government of Yukon. The Hospital Corporation was there, and Department of Justice officials were there, with the keynote speaker being Toby Mendel from the Centre for Law and Democracy. The whole focus of that conversation was on the right to information.

The Association of Yukon Communities was at that meeting, as were representatives of a number of municipal governments. I can tell you, Mr. Speaker, that at some point during that conversation, there were a number of reservations or questions raised about the application of this legislation to municipal governments. Through the reasoned conversation that occurred during that meeting, I will tell you that I believe that people came away thinking and understanding how important it is for that level of government that is the most directly affected and affects every citizen — how important it is for access to information and privacy legislation to also apply to them.

The IPC said in the notes she prepared to attach to her press release that the draft legislation provides the option to include Yukon municipalities. In the view of the IPC,

municipalities should be subject to this legislation as soon as it goes into effect, given that they are, in essence, public bodies. Citizens should have the same ability to access information held by municipalities as they do with other public bodies. In addition, municipalities hold a significant amount of personal information that should be subject to the same level of protection as other public bodies.

Citizens should be able to exercise their privacy rights in respect to personal information collected, used and disclosed by municipalities. Not having municipalities subject to the legislation is a gap that significantly affects the access and privacy rights of Yukoners and others.

I do believe that it is imperative that we have that open conversation in this Legislative Assembly and that we all, as legislators, can then make an informed discussion as to whether this is the best piece of legislation that we could possibly provide to Yukon citizens at this time.

Mr. Adel: I rise today in the House to speak to the second reading of Bill No. 24, the proposed implementation of the *Access to Information and Protection of Privacy Act*.

We are dealing with the public's right to know, the right of Yukon residents to access the information their government is generating on their behalf and the right of Yukon residents to learn details about what is going on in their government. We are also dealing with the protection of citizens' personal information and addressing ways of doing this in more effective ways within the digital era we find ourselves — all of which is vital to good governance and to the freedoms that go with it.

The McGill University School of Continuing Studies for the Commonwealth Parliamentary Association has defined the "right to know". At its core is freedom — freedom of expression and the right to information. A free and robust media is also important in the exchange of information. All of the above freedoms are enshrined in the *Universal Declaration of Human Rights*, as well as the *International Covenant on Civil and Political Rights*.

Access to information legislation enables both the public and parliamentarians like us to ask informed questions of one another.

As we move forward with this legislation, which aligns with our mandate of open and transparent governance, we are working to create a more responsive and adaptable Legislature for all Yukon residents. A critical obstacle to our accountability is the inability to obtain information, a barrier that can easily develop between a government and its citizens. Nobel laureate Joseph Stiglitz has noted that barriers to information allow officials to pursue policies that are more in their interests than in the interests of their citizens.

Bill No. 24 aims to modernize the flow of access to information in a digital age. This bill replaces the act that came into force in 1995. Back then, when I was looking for my kids, I would call out the back door. Now I have to text or Snapchat them to see if they are anywhere in the house because supper is ready. It is a different era.

Information now flows through conduits inconceivable back then — Facebook, Snapchat, Instagram, Twitter and many other apps and programs. For even some of the people like ourselves who are a little older, we are even getting into some of those, as I can see members across the aisle are looking at some of their stuff now.

In concert with the provisions of information, we need to reflect on how we collect information and keep it safe and secure, how our security is managed around the expectations of political and public entities, how the flow of information can enhance business opportunities and how to manage and address public demand for government accountability and transparency.

Bill No. 24 provides framework for policies and regulations that will encompass the new digital information reality we currently live in. This bill will also repeal some of the changes made to the ATIPP act by the previous Yukon Party government, which used the guillotine clause to pass amendments to the act on the final day of the legislative Sitting in 2012. One specific example is access to briefing notes. Prior to this government undertaking a complete ATIPP review, an extensive public consultation and the development of the proposed amendments before us today, the Yukon was the only jurisdiction in Canada to restrict access to briefing notes under the ATIPP act — for example, requests for the briefing of the Premier on the formation of a new government; briefing a minister on the assumption of the responsibilities of the department, or a corporation or their sitting in the Legislative Assembly; the deliberations or consultations of the officers or employees of a public body; or how information in confidence is treated from a third party or another government. Unfortunately, these kinds of restrictions were common practice and certainly were an impediment to the flow of information.

Mr. Speaker, I am very happy to support this centrepiece of our commitment to open and transparent government, which repeals some of the restrictions put into place by our friends across the aisle. This bill will also make provisions for a privacy officer in each public body that oversees and investigates privacy breaches. It allows for assessments of the unauthorized collection of information, as well as conducting of inspections of public bodies to ensure compliance. This bill will provide the Information and Privacy Commissioner the opportunity to conduct compliance audits. This new bill will allow the government and partner agencies to collaboratively share personal information within the framework of this bill, allowing Yukoners to develop a personal account with the government to access multiple platforms and services. The bill also addresses the safeguarding of personal information through the application of a privacy impact assessment which, in simple terms, means that allowing personal data to be used by the new platform or service will not mean that the information will be at risk for public disclosure. The proposed amendments to access of information gives the public a process to obtain greater access to most records held or controlled by public bodies.

Circling back, Mr. Speaker, to where I started, an informed public can hold their government to account for their decisions and, moving forward, all of the decisions that they make. Public bodies will be required to routinely publish certain types of information. There is also a provision, through the power of the secretary of the Executive Council, to grant an applicant access to information held by a public body, provided that the disclosure is in the best interest of the public, such as determined by the secretary.

This will allow flexibility in the application of the bill. The discussion about how our personal and corporation information will be kept and used in the future may seem daunting; however, by building a flexible framework around the collection and distribution of information, we are making the endeavour much more manageable. With the best intentions, we are providing the public with the information that they require to question and to hold government accountable.

We are also allowing for an exciting step forward into the integrated government services while still protecting the privacy and integrity of the information that is collected. A more equal and balanced ATIPP act will allow for more transparency and accountability. As Supreme Court Justice Louis Brandeis famously quoted: “A little sunlight is the best disinfectant.”

In closing, I would like to thank my colleagues and the Minister of Highways and Public Works and the Department of Justice, along with all other officials who worked diligently to get this legislation brought forward to the floor of the House, and also to take into account the good intentions and suggestions from my colleagues across the floor.

Hon. Ms. McPhee: By hard work and good fortune and with the much-appreciated confidence of the people of Riverdale South, I find myself in an enviable position of standing here today to speak to Bill No. 24, the *Access to Information and Protection of Privacy Act*, after having made many of these recommendations myself to improve the Yukon’s access and privacy law during my term as the Yukon Information and Privacy Commissioner from 2007 to 2012. It is truly my honour to serve the people of the Yukon in that role — it was my honour to do that — and an honour to serve them now in a different capacity and as a member of this Legislature.

My unusual path has afforded me a unique opportunity to work with my colleagues as one government on the policy work and the decisions that have brought this Bill No. 24 to the floor of the House. This is an opportunity that I truly appreciate and I am thankful for.

The world of information management and the protection of personal privacy is changing rapidly — not quite daily, but almost. An increasingly more sophisticated public have great expectations of their ability to access information in the hands of public bodies and to have their personal information properly collected, used, disclosed and protected. Despite our seemingly insatiable appetite for sharing personal details of our lives on social media in its various forms, Yukoners

expect public bodies to protect their personal information that is collected, used and disclosed by those public bodies. In addition, Yukoners expect their interactions with governments, which make up most of the public bodies as defined by this legislation, to be convenient, expedient and secure.

The prohibition on public bodies sharing information between public bodies, except in certain circumstances, is not well understood. The Yukon public understandably query: If I move or change my address and I give that information to the Department of Motor Vehicles, why do I have to contact every other government department that I deal with? Why can't they talk to each other? It is a good question. It is something going forward that will be changed, and the new legislation will enable enhanced services to Yukoners in future while protecting their privacy as a priority. It's key that we understand and that the public understand at this point that this new legislation will enable that in the future, but it does not take that leap just quite yet.

We have heard from the Minister of Highways and Public Works the details of this legislation and from others, so I will not necessarily repeat those elements here. I will take this opportunity to emphasize the significant improvements that bring this legislation into the 21st century of access and privacy law.

Mr. Speaker, government departments and organizations will be required to consider and incorporate privacy-by-design principles into all new programs and services. This is a significant improvement in the adoption of best practices in privacy and data collection and compliance, in that they will be built into the new government programs and services. The last 26 years have proven that trying to build such elements into already existing programs and services is a difficult task and Yukoners' privacy could be the casualty.

There is a requirement in this new legislation for privacy impact assessments, something that information and privacy commissioners across Canada have been championing for many, many years. Privacy impact assessments will be required by public bodies when they are determining how to structure a new program or develop a new service. These are different from privacy-by-design principles in that the privacy impact assessments are, in fact, an evaluation that will be provided so that the parties have to determine exactly what the impacts on an individual's privacy are when they are building a program or a service.

Another important change is the compliance audits that will be permitted to be done by the Information and Privacy Commissioner. This gives our current Information and Privacy Commissioner and future ones the opportunity to determine compliance audits for a variety of things from public bodies and will be an extremely valuable improvement.

One of the changes in this piece of legislation that I find near and dear to my heart is the integrated services concept, primarily for the protection of children's rights. Public bodies will be able to share information that they might not otherwise be able to share among them for the purposes of protecting

children's rights, particularly in situations where a child's health and welfare might be at risk.

This is based on some children-first legislation that exists in Alberta. The purposes of integrating it into this piece of legislation is that a message be sent to public bodies and to the Yukon public that children's rights and the health and welfare of a child are paramount.

This piece of legislation also contains a requirement for a proactive disclosure of government information. One piece of advice that in my former role I often gave requestors when I spent time at the Information and Privacy Commissioner's office was to simply say: Ask the department for the information you want. It was advice that I gave on a regular basis. Sometimes it even worked.

It could be considered naïve, but there is nothing in the current ATIPP act that requires departments to proactively disclose information, although there are provisions that require them to consider what they could be disclosing. I certainly think the intention was there in the original piece of legislation — that departments or public bodies be required to proactively disclose things — but that's not the way it has turned out.

I'm very pleased to see this improvement in this legislation in that public bodies will be required to consider and required to proactively disclose information. The Yukon public has a right to information held by government, whether it be a report on some issue or other, or whether it be some of their own personal information. The consideration here and direction in this legislation is that proactive disclosure is an important piece of access to information for Yukoners.

In this legislation, there is also a public interest override. That is something that has been asked for in this jurisdiction for a long time. It certainly exists in other pieces of legislation across the country. It permits the disclosure of information in the public interest — if there were such a reason to do so — that would otherwise not be permitted to be disclosed under the act. That will be a considerable change for the better — again, modernizing our ATIPP legislation.

You have heard from the Member for Copperbelt North some of the details with respect to Cabinet records. Mr. Speaker, in 2012, amendments were made to the ATIPP act here in the Yukon where the Yukon Party excluded access to government briefing books as a result of those changes in 2012. This act will reverse that decision and have us join the ranks of all other Canadian provinces and territories to provide access to government briefing books — a critical change for the better.

There have been a number of comments made today by the opposition and by the Third Party. I don't intend to address those, but we will have an opportunity in Committee of the Whole to speak about them in much more detail.

I will comment on one, because it was shared by a number of individuals today. I don't have the section in front of me, but with respect to the concept of not permitting the Information and Privacy Commissioner to be a party in a court action, my only comment — and I certainly will have more comments, if I can, during Committee of the Whole and I

know the Minister of Highways and Public Works will — is that this situation is extremely rare. In the five years before I was the Information and Privacy Commissioner and in the five years during the time I was — so in that 10-year period — I am only aware of one occasion when the Information and Privacy Commissioner's recommendations were not accepted by the public body. I think it's a rare situation.

I understand, through comments from the current Information and Privacy Commissioner, that there may have been more than one occasion, but I will be keen to have further discussion with respect to that. The issue is not simply that it's not a situation that's very common — that doesn't mean we don't provide for those situations — but, in a small jurisdiction like ours, it also is a complicated situation, should the Information and Privacy Commissioner be a party to a court action where she is defending or seeking implementation in order to implement her own recommendation on behalf of another individual. I know that the conflict-of-interest question was something that the department took very, very seriously.

Yukoners deserve access to information, and I am very pleased to see that the other parties — particularly the Yukon Party — will now support this bill at second reading for greater access to information and protection of privacy. Of course, the act does those two things.

It is my experience that the approach under the former piece of legislation, sometimes by government, was that the default position was to not disclose anything unless you absolutely had to, based on the law, and what we know is that the current ATIPP act is somewhat confusing on those points and certainly not as clear as we want it to be.

Mr. Speaker, I submit to you and to this House that the default position must be to disclose the information unless there is a reason not to. Those are two different equations, and two completely different answers come as a result of those questions.

I am very pleased to have had the opportunity to work with my colleagues on this legislation. I know that the staff at the Department of Highways and Public Works — who are, if they weren't before, eminent experts on access and privacy law here in Canada — have done great service to the people of the Yukon and great service to this Legislature in their work on this document going forward. I also know that the legislative drafters who have worked on this project have gone above and beyond with the work coming forward.

I am very pleased to have had the opportunity today to speak to this at second reading. I look forward to the debate going forward, and I very much look forward to a modernized access to information and protection of privacy act.

Hon. Mr. Streicker: I will just speak briefly here at second reading.

First of all, I would just like to thank all members of this Legislature for their support. I think it is important that we improve access to information while protecting privacy. I've heard the minister and the Leader of the Third Party talk about how information is the right of our citizens and that

government-held information generally should be available, except where it impinges on privacy — and, in certain cases, to allow for that privacy.

The piece that I want to speak about is around the question of municipalities. First of all, I think we agree — and, in my conversations with municipalities and the Association of Yukon Communities, we all recognize that our municipalities collect and store a great deal of personal information — and protecting the privacy of that personal information is a necessary thing.

The question that seems to be posed is whether or not we, as a government, should require that municipalities use these rules or methods for protecting privacy. It's not a question about whether they should protect privacy — they should — but it's about how they should do it.

First of all, I was very interested to hear the Leader of the Third Party talk about a meeting that happened in August, and I will try to do some follow-up. I had a quick conversation with her outside of this Legislature just to get some details. If the Association of Yukon Communities and the municipalities have changed their perspective, I would be interested to hear that.

What I do want to share with everyone here is that the Association of Yukon Communities did write to me, as the minister. In that, they state — and I quote: "Therefore, AYC requests that the legislation is very clear about what constitutes a public body, and the municipalities themselves could opt in, but not be regulated to opt in."

From my conversations with the association, what they did not want is what the Information and Privacy Commissioner has said should happen, which is for those municipalities to be required to be public bodies. What it comes down to, I think, is that no one disagrees that our municipalities need to protect citizens' information and the information that they have, and that privacy is maintained. Everyone agrees with that. We have written the act in such a way to enable municipalities to use the act and to take advantage of the systems that have been developed, and they can even tailor it so that they come in on the access side or the privacy side or both. We're working with them to support them.

The issue that I want to talk about — the Leader of the Third Party over the last couple of days has mentioned how municipalities are created through legislation that we have here, and so sometimes they are referred to as "creatures" of the territory. I don't like to think of them that way. In fact, just recently, I signed a memorandum of understanding with the Association of Yukon Communities — a three-year memorandum of understanding when we were there celebrating or thanking all those people who had been in office for the past three years.

I'll quote from that memorandum of understanding now, Mr. Speaker: "In the spirit of fairness, openness and good faith, any proposed significant change in legislation, regulations, standards, policies or programs will be preceded by appropriate consultation among the affected parties."

Recently, we've seen a new government in Canada, upon taking office, choose to impose its will on municipalities without allowing for there to be dialogue or even an engagement with the citizens that were affected. That example was the Government of Ontario in how it decided to approach upcoming elections with the City of Toronto.

Within that, the Government of Ontario, in an early court judgment, was found that they were breaking the *Canadian Charter of Rights and Freedoms*. Then the Ontario government chose to use the notwithstanding clause. That approach, where a government just imposes — in that case, not a provincial government, but a territorial government — if we were to impose and say, “Here is what you will do” — it is not an approach that I think we want to take. I think the approach that we want to take is to say to municipalities that we respect that you are an elected body and that you, like us, are there to represent your citizens and have an obligation to deliver many services and to ensure that the privacy rights are upheld; we respect that you are an order of government that has that responsibility and that you will carry it out; we will support you in a respectful fashion and work with you to achieve it and not force you to do it in a particular way that we are deeming.

What we have tried to say to municipalities is that — and we have had the conversation with them where we recognize, collectively, that there are rights to be upheld and we want to be supportive of them to achieve that.

Speaker: Is there any further debate with respect to Bill No. 24?

If the member now speaks, he will close debate.

Does any other member wish to be heard?

Hon. Mr. Mostyn: I appreciate the comments from the members of this House on this piece of legislation. I will follow up on a few points made this afternoon. I agree with the Leader of the Third Party, who is a passionate advocate of access to information and the protection of personal information. We on this side of the House want the same thing. Citizens have a right to information — information generated by their government. It is important to our democracy and on this we agree. Citizens need to have their personal information protected and on this, again, we agree.

Municipalities should adopt these measures — and again, Mr. Speaker, we agree. Where we differ is about how. The Leader of the Third Party and the Information and Privacy Commissioner want to automatically include municipalities under this legislation. Or course we could do that, but we chose not to. As my colleague, the Member for Mount Lorne-Southern Lakes, has noted, we were asked not to. Municipalities are led by elected representatives. They are answerable to their citizens, and I hope those elected representatives see the importance of access to information and protection of privacy legislation. I hope they embrace it like I do. We have drafted this bill to allow municipalities to opt into the legislation — to be covered by it. We are willing to bring them in if they ask, and I think they should. I think it

is important that all governments do their best to provide information to their citizens and to protect the personal information to their citizens that they hold and that they're responsible for. I think we need rules around that. I think the rules need to be better drafted. I think that, with our legislation, the bill that we are presenting this afternoon, we have done that. I believe that municipalities will see the value in that. I think they will start to opt in, but I will leave that for their decision-makers and their leaders to make that decision.

This legislation we have tabled this afternoon offers better protection of personal information, proactive disclosure of information, better control over personal information, more control over your own personal information, better collaboration among government agencies, faster disclosure of Cabinet records, a public interest override and access to briefing books.

The opposition has, in the course of our discussion this afternoon, raised other issues around this legislation, and I look forward to answering their questions in Committee of the Whole.

Again, I want to thank the very skilled legislative drafters who worked magic on this piece of legislation, on this bill. They are eminently skilled and informed and I really value their counsel.

I also want to thank my colleague, the Minister of Justice, for her insights into this bill. The information she provided was, as always, incisive and practical. The Information and Privacy Commissioner gave very thoughtful considerations and a lot of her time. I appreciate that. The media participated, as did many citizens who contributed to this piece of legislation.

At its heart, this is what it's all about: informed participation in our government. I thank everyone for their thoughts this afternoon. Let's get on with the rest of the afternoon. Thanks very much.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Mr. Pillai: Agree.

Hon. Ms. Dendys: Agree.

Hon. Ms. Frost: Agree.

Mr. Gallina: Agree.

Mr. Adel: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Hassard: Agree.

Mr. Kent: Agree.

Ms. Van Bibber: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. White: Agree.

Clerk: Mr. Speaker, the results are 17 yeas, nil nays.

Speaker: The yeas have it. I declare the motion carried.
Motion for second reading of Bill No. 24 agreed to

Hon. Ms. McPhee: I move that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Hutton): I will now call Committee of the Whole to order.

The matter before the Committee is general debate on Bill No. 22, entitled *Act to Amend the Forest Resources Act and the Territorial Lands (Yukon) Act (2018)*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 22: Act to Amend the Forest Resources Act and the Territorial Lands (Yukon) Act (2018)

Chair: The matter before the Committee is general debate on Bill No. 22, entitled *Act to Amend the Forest Resources Act and the Territorial Lands (Yukon) Act (2018)*.

Is there any general debate?

Hon. Mr. Pillai: First, I would like to welcome the officials to the Assembly this afternoon. With me is the Assistant Deputy Minister of Energy, Mines and Resources, Manon Moreau, and also Sheri Hogeboom, who is here with us as a drafter from the Department of Justice. I appreciate all the work that they had done on this very important work as we try to fix something that has come to our attention here in the Assembly and in the government.

I request that Bill No. 22, entitled *Act to Amend the Forest Resources Act and the Territorial Lands (Yukon) Act (2018)*, be now considered by the Committee of the Whole. The amendments focus on resolving the technical issues. We recently discovered in the two acts, in resolving these issues, will strengthen and clarify the acts and will help us better protect our land and forest resources.

As a summary, these amendments will ensure that: all regulations under the *Territorial Lands (Yukon) Act* carry a maximum penalty of \$5,000; the *Territorial Lands (Yukon) Act* contains the ability for a court to issue remediation orders to a person found guilty of damaging natural resources due to an offence; the English and French versions of section 21(j) of the *Territorial Lands (Yukon) Act* are aligned; and the definitions of “forest resource harvesting” and “timber harvesting” in the *Forest Resources Act* include cutting or removal of forest resources or timber or both.

I thank the members of the Legislative Assembly for the discussion in the second reading last week as well as raising industry concerns related to the *Forest Resources Act*. Broader changes to the *Forest Resources Act* are outside the scope of these technical amendments, but I have taken note of them for the review of the *Forest Resources Act*.

The issues raised by the Member for Lake Laberge have also been brought to me and to the attention of the Department of Energy, Mines and Resources by the Yukon Wood Products Association and will be addressed during the *Forest Resources Act* review. We will have a great opportunity for them to speak to a number of issues. At this time, we are just discussing the scope of the *Forest Resources Act* review with our First Nation partners. We hope to be up for full public and stakeholder engagement on the *Forest Resources Act* early in the new year.

Industry, renewable resources councils and other stakeholders will, of course, play an important role in this review. It is mandated through that piece of legislation that it is time for us to go back and have a discussion with stakeholders and take a look at potential amendments and improvements. These technical amendments today are very targeted, as we have discussed.

I thank the members of the Legislative Assembly for their support of the principles of these technical amendments, and I look forward to more in-depth discussion and debate in Committee of the Whole.

Mr. Cathers: I thank the minister for his introductory remarks as well as officials for their work on this legislation and for appearing here this afternoon. I would like to start by thanking the minister for his commitment to review the *Forest Resources Act* to address the concerns we identified, and he noted that these are directly from the Yukon Wood Products Association. That is something that my colleague, the Member for Kluane, has been advocating on behalf of his many constituents who are affected by this. I made the request as well of the minister, and I do thank him for agreeing to do just that.

We do understand the targeted nature of these amendments to correct a problem. Since the minister has committed to a review of the *Forest Resources Act*, that addresses our only concern that we had with this legislation.

I have no further questions about this or comments at this point. We will be supporting this legislation in Committee of the Whole and at third reading.

Ms. White: I would like to thank the minister and, of course, the officials and the razor-sharp, lightning speed with

which they responded to the issue as it was identified in front of the courts. I am just relieved to know that the problem that we ran into recently won't ever happen again. For that, I am deeply grateful because, until that loophole was caught or identified the way it was, it turns out that we were really vulnerable and we didn't even realize it. I am just grateful to have this here. It is written in the plainest language possible, which I appreciate, and I have very few questions. I just look forward to being more in tune. I believe my colleague from Lake Laberge will lead and I will follow when he is finished.

Chair: Is there any further general debate on Bill No. 22?

Ms. White: I guess I won't be following today. I just wanted to give the minister the opportunity to talk about this on the record so that it is more easily understood. We could address it line by line, but I think there is the ability now.

In section 5, under 27(1), it talks about how the maximum fine will not exceed \$5,000. If we can just talk about, to start, why that number was selected, then I will ask the next questions.

Hon. Mr. Pillai: There is a second part of this that I think is quite important.

Within the act, as it is stated now, to be consistent with the maximum fee schedule associated with the act, we used the amount of \$5,000. That is essentially the reason — that it is the most we could charge as a fine or a fee.

Over and above that, of course, we now know that we have the ability in this act, and with the amendments, to seek the cost of reclamation. Certainly, what we are seeing on the MacGregor case right now is that we are somewhere between \$250,000 and \$300,000. If we had these tools in place at this particular time, we would have the ability to seek those costs. I think that it has some real strength now, within this legislation. That is the reason behind the maximum — without getting into a full-scale change of the current structure of fees and penalties that are in the act as stated.

Ms. White: I thank the minister for that. It was a nice continuation into the next questions.

It is not so much a question. I just wanted to give the minister the opportunity to talk about the importance of the reclamation order or the reimbursement to the cost of government. Even if we tie it into the recent court case, or he can just make up a situation — if we could just talk about that. Those are all the questions that I had. I want that to be really clear because this is really powerful. I think this is the first time that we have seen legislation go quite this far in saying that, if you go against the law, there will be ramifications. I think this is really powerful, and I would like the minister to have an opportunity to talk about that.

Hon. Mr. Pillai: Just to touch on a little bit of explanation on the remediation order that we are speaking about and the importance of that — the remediation order could also levy significant costs to an individual company, which we have just touched on. The remediation is quite broad in scope and can require the individual or company to post a bond, or report, publish or pay for costs incurred by the government. The amendments will also allow government to

request a variation to the remediation order if it is found to be lacking. I think that the Member for Takhini-Kopper King is right. We need the right tools in place.

This one case — I appreciate the comments concerning the work of the departments of Justice and Energy, Mines and Resources with help from multiple branches within Energy, Mines and Resources. We were all caught off guard. I think probably the Official Opposition who did some work on ensuring that this legislation came in, and ourselves, and you watching this and always being a proponent of ensuring we have the right tools to deal with different forms of industry — I think this was something that needed to be done.

I do really appreciate the speed, as well, with which the department moved and the policy that was put into place. This one event affects so many things. We're in a position where there's a lot of activity in that particular area — there's a lot of activity between Carmacks and Dawson City at this particular time, in taking into consideration the Pelly area. When something like this happens, it really adds a tone to the conversations about everything that's happening in an area. When you're in a position where you don't have the ability to be in a situation where you're addressing something that was done — and it shouldn't have been done — then you're in a difficult situation. You want to make sure that your government partners know that you can address these things.

I also have to say that I think that, in that particular case, individuals involved probably would have thought twice about this situation, because of what's played out. Probably we rethought what had happened, but I leave that to the legal system. I think everybody has walked away from that. At least some individuals that have been involved I know spoke with the affected First Nations and tried to right-side things. I think everybody has learned from it and I do appreciate our ability to move forward with a legislative change that gives us the ability to follow up on stuff like that. So thank you for your question.

Chair: Is there any further general debate on Bill No. 22?

Mr. Kent: Mr. Chair, pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 22, entitled *Act to Amend the Forest Resources Act and the Territorial Lands (Yukon) Act (2018)*, read and agreed to.

Unanimous consent re deeming all clauses of Bill No. 22 read and agreed to

Chair: Mr. Kent has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 22, entitled *Act to Amend the Forest Resources Act and the Territorial Lands (Yukon) Act (2018)*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 1 to 5 deemed read and agreed to

On Title

Title agreed to

Hon. Mr. Pillai: Mr. Chair, I move that you report Bill No. 22, entitled *Act to Amend the Forest Resources Act and the Territorial Lands (Yukon) Act (2018)*, without amendment.

Chair: It has been moved by Mr. Pillai that the Chair report Bill No. 22, entitled *Act to Amend the Forest Resources Act and the Territorial Lands (Yukon) Act (2018)*, without amendment.

Motion agreed to

Chair: The matter now before the Committee is continuing general debate on Bill No. 207, entitled *Second Appropriation Act, 2018-19*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole recess for 15 minutes.

Recess

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

Bill No. 207: Second Appropriation Act, 2018-19 — continued

Chair: The matter before the Committee is continuing general debate on Bill No. 207, entitled *Second Appropriation Act, 2018-19*. Is there any further general debate?

Ms. White: Just before we start today's proceedings, I would like to take the opportunity to apologize to the Minister responsible for the Yukon Housing Corporation for a statement I made on Tuesday when I indicated that I had sent a letter to the minister and was awaiting an answer regarding a tripping hazard within a Yukon Housing Corporation unit. I found the original document on my desk and it had not been sent, so I apologize for any confusion that this may have caused. I just wanted to make sure I started with that today because it's important to apologize for mistakes. I made a mistake and I apologize.

At this point, I am going to turn it over.

Mr. Kent: I have a number of questions for the Premier, or perhaps the appropriate minister, related to my critic roles and critic roles of departments that won't be called for debate once we clear general debate. Those are Energy, Mines and Resources — the mining, oil and gas, and energy side — and the Department of Education. I have a few other general questions that perhaps the Premier or some of his colleagues may be able to answer. Highways and Public Works is one that comes to mind.

Where I am going to start with the Premier is in the document that was presented — the fiscal and economic update, October 2018. I have a few questions about this. The first one is with respect to the consumer price inflation. Page 7 of that document notes here that it has ticked up with energy prices. I'm just going to quickly read this part of it into the record. It says: "Consumer prices in Whitehorse increased by 2.4% in the first seven months of 2018. Year-to-date inflation

was slightly higher than the overall Canadian inflation rate of 2.3% and the Budget forecast of 2.0%."

It goes on to say: "Higher fuel prices so far in 2018 have been reflected in the growth of major components of the Whitehorse consumer price index (CPI). Notable gains in transportation ... and shelter ... are in large part the result of strong year-to-date gains in the prices of gasoline..." It indicates that gasoline increased by 9.4 percent and that fuel oil and other fuels went up by 22.6 percent in the first number of months of 2018.

Going forward, the current outlook is for inflation of 2.6 percent in 2018 with CPI growth remaining fairly consistent over the next four years, averaging 2.1 percent. My question for the Premier is: Has the carbon tax been factored into those inflationary numbers in this outlook, especially given the fact that the gains referenced here are largely to do with gasoline, fuel oil and other fuels, which will have upward pressure when the carbon tax comes in, in the new year?

Hon. Mr. Silver: To answer the member opposite's question, the answer is yes. All forecasts are based on the knowledge that we have at the time of forecasting.

Mr. Kent: I thank the Premier for that response.

I have a couple more questions with respect to the fiscal and economic update that are related to my critic role of Energy, Mines and Resources, but perhaps the Premier or the minister has a response.

This is again on page 7: "Interest in Yukon's mineral potential remains strong. The latest estimates from Natural Resources Canada's (NRCAN) Survey of Mineral Exploration, Deposit Appraisal and Mine Complex Development Expenditures indicate that exploration spending in 2018 is expected to increase 4.4% to \$172.3 million. This spending represents 7.7% of total spending in Canada, behind only Quebec, Ontario and B.C." This is obviously great news for us here in the territory.

My question comes from this last sentence in that paragraph: "It is expected that when revisions for 2018 are released that estimates for Yukon will be revised upward."

Does the Premier, or perhaps the minister, have any idea at this point when those revisions will be released and estimates for the amount will be revised upward, or has that changed since this document was authored? I note that there have been softening markets. I have heard — and perhaps the minister or Premier can confirm — that some of the projects that were slated to go ahead perhaps got cut short or didn't proceed. I am just looking for confirmation that they are still expecting that \$172.3 million to be larger when all the dust settles, and if they have any idea of how much that will be.

Hon. Mr. Pillai: I am happy to speak to numbers concerning the exploration activity that we are seeing. I think we can endeavour to get the exact dates. Some of the exploration projects that are currently underway — as we speak to the exploration numbers specifically. We are in a position, like years past, where there is an extended season of spending. We are still seeing some activity in certain projects to date, which would help with the total revision of numbers for this particular year. I do agree that, as the member

opposite has stated, there is concern with the markets over the last couple of days, but I think overall we are in a situation where we will probably see it being much more difficult in the country as a whole to access capital for exploration projects.

Of course, this is just from discussions with the sector and with local companies or companies that are doing work here in the Yukon, that it is a much tougher slog to access capital and bring it in for the early exploration projects. I think the other thing is that we are in a unique period within our capital markets. A lot of money has gone into different lines of business. I had an opportunity to speak with one individual — and the member opposite has probably worked with this individual in the past — who deals with a gold royalty regime.

I will just quote the number from that conversation, but this is somebody who does understand the markets and has strong relationships across the Canadian markets, where almost \$40 billion of capital has gone into cannabis-related companies. That is a tremendous amount of capital that has moved away from the mining sector and the junior mining sector.

When you look at the comparison between the Australian market and the TSX, we are also now seeing for the first time the Australian market outcompeting the Canadian market when it comes to activity on the mining side. Will we see a correction on where capital goes? Probably over the short run, we are going to see how certain companies meet the demand that they have and how they fulfill their relationships with Canadian governments to supply cannabis, what the performance of those companies will look like and if people feel that it is safe to park capital there. At the same time, what I get from subject matter experts is that things have definitely changed in the market and we are probably in a situation where, over the short run, we are not going to see the access.

It will be important to make sure that we are as competitive of a jurisdiction as possible, that we continue to ensure that the jurisdiction has the stability that is needed and also that we are trying to continuously look to improve our regime when it comes to ensuring that we take the environment into consideration, such as the work we did earlier today — at the same time, making sure that we can reduce some of the cumbersomeness.

I will leave it at that. Maybe the Premier has something to add.

Hon. Mr. Silver: For the member opposite's question on updates, there have been no updates since the publication of the interim fiscal review. There is another survey that can be informative for these figures, and it is called *Private and Public Investment in Canada, Intentions* and it was released by Statistics Canada in February. Updates usually come up after the end of the calendar year, but I would say that we would be looking at March for a revision, if that is what the member opposite is looking for.

Mr. Kent: Normally at the annual Geoscience Forum, Yukon Geological Survey has an overview of the year in exploration. Are we expecting — I am going to back away from that question because it is speculative at this point. We will wait to see what happens at Geoscience and get a sense if

indeed these estimates for Yukon will be revised upward. Hopefully, as we move into the new year, we will get a better idea of what next year's exploration expenditures are looking like.

Moving to page eight of the *Interim Fiscal and Economic Update*, at the top it talks about mineral production and states that: "Yukon's mineral production currently includes output from Capstone Mining Corp's Minto mine and placer gold operators."

It goes on to say that, "Beyond 2018, even with an expectation that Minto will cease production in mid-2021..." — it goes on and talks about Eagle Gold and Coffee mines and other projects.

Given the unfortunate announcement today about Capstone going into care and maintenance today, will the Premier and his officials be able to give us a revised — again, recognizing that this is news for all of us. I should also state that there is obviously a human element to this, so for those 200 employees and contractors who are affected, we certainly wish them all the best in finding alternate employment as soon as possible, especially as we move into the winter.

Getting back to my question: Will the Premier commit to tabling revised production numbers at some point, either prior to the end of this Sitting or in the Spring Sitting so we have a better idea of what the estimates are for mineral production in the territory?

Hon. Mr. Silver: As the member opposite knows, we just heard that the Capstone Mining company announced that they were suspending operations and placing the Minto mine in temporary care and maintenance. I definitely concur with the member opposite that it's too bad for the approximately 200 workers right now — and a core team of employees who will be maintaining on the site. Yes, almost 200 jobs will be lost — hopefully temporarily. We will see what happens as far as moving forward with that particular project.

It is interesting to note, Mr. Chair. I was up in your riding just a couple of weeks ago, and I was visiting with the Victoria Gold crew that is set to get production going, hopefully in less than a year now. It was interesting at that time that there were lots of conversations with the CAO and the management team there about how members of the placer industry are working for Victoria Gold and that there are not enough unemployed people around right now to fit all of the different jobs that are happening. Hopefully some of those 200 can find their way to the beautiful town of Mayo and enjoy some economic opportunities with Victoria Gold.

The closure, though, will result in a downward revision of the outlook for our real GDP growth for 2018. That downward trajectory will be about 0.8 percentage points. Nonetheless, the economy does remain strong with the low unemployment that I mentioned, rising earnings, as well as a robust population growth. Although the mining production has declined this year, mining exploration activity has been strong, as the minister had mentioned, which does bode well for the future. We have seen in previous years where no production happened, it was the exploration industries that really kept the mining industry afloat. A lot of times those are

the local companies like Talus Exploration Ltd., GroundTruth Exploration or Kluane Drilling. There are lots of people who are working in exploration.

The proponent had a press release and noted that the agreement to sell Minto to Pembridge Resources had been terminated by both parties and were citing Pembridge's inability to raise financing for the transaction due to unfavourable equity market conditions currently.

Capstone will continue to explore options — which is the good news — including some further discussions with Pembridge and also other interested parties.

The estimated cost to place the mine in care and maintenance is about \$5 million American in each of the 2018 and 2019 years, with ongoing costs expected to be under \$4 million US dollars annually after that for environmental compliance and other activities. The impact of the closure to Minto Mine will be taken into account when Finance completes its next economic forecast.

I think that does answer the member opposite's questions.

A little bit more background, though — preliminary revised estimates accounting for the closure of Minto did indicate, like I said, the weaker, near-term real GDP growth, with 2018 revised down from 2.5 percent to 1.7 percent. The reason why I'm mentioning these numbers is it does go to show how important the mining industry is to Yukon. When we talk about own-source revenue and we talk about having jobs for Yukoners, one mining project — 200 jobs — is such a big — either a boon or on the opposite side to our GDP.

Basically we're hoping that the proponent can strike a deal with Pembridge or some other financiers, but as far as our forecasting, a new forecast will be released with the budget.

Mr. Kent: Thank you, and I thank the Premier for that.

Of course, those 200 direct jobs, there are also a number of indirect jobs that may either disappear or the hours will be affected for those employees. We're all excited about Eagle Gold getting up and running and doing their first pour next year, and then, of course, Coffee Gold and Kudz Ze Kayah hopefully hot on their heels, as far as getting into production.

One point of clarification from the Premier — I think he mentioned the costs of the care and maintenance at \$5 million US, I think, for the next two years and then \$4 million per year going forward — just for Yukoners who are listening and to get it on the record, will those dollars come out of the security for the project or are they — since it is in care and maintenance, which hopefully is a temporary closure — does the company pay for those directly until they make a decision to permanently close the mine or find a new buyer?

Hon. Mr. Silver: No. For clarity's sake, again, it would be \$5 million for care and maintenance each year of 2018 and 2019, with ongoing costs expected to be under \$4 million annually after that for environmental compliance and other activities. This money is not coming from security; this is money that the company itself will be paying.

Mr. Kent: I appreciate that clarification.

I am just going to move on to some questions that I have from the opposition briefing that we had on October 1. I thank the Energy, Mines and Resources deputy minister and his

senior officials for providing that briefing to me and the Leader of the Third Party. We asked some of these questions in the briefing but I wanted to get them on record here.

When it comes to oil and gas mineral resources, there are a number of changes in Assessment and Abandoned Mines — or they are reflecting revised work plans, which, of course, have been approved by Canada: Mount Nansen looks like an additional almost \$2.4 million; United Keno Hill Mines, \$100,000; Clinton Creek, \$341,000; and Ketz, \$621,000. Of course, these dollars are 100-percent recoverable from Canada.

Could the minister or Premier provide us with some details of the revised work plans? It could be at a higher level — or if we could get some sort of letter or legislative return just outlining what those revisions are.

We know that Mount Nansen is looking at a different model. I believe they have awarded to a contractor — Canada has awarded to a contractor. It would just be great to get a few more details of what those revised work plans look like and if there are any new dates associated with them as far as remediation activity on those sites.

Hon. Mr. Silver: We will do a two-headed monster here. I will start with some general numbers and then the minister will get his tentacles into some more details.

When it comes to oil and gas and mineral resources — Assessment and Abandoned Mines — these are the following changes that are required to reflect the revised work plan that was approved by Canada: as mentioned, Mount Nansen is at just under \$2.4 million or, to be specific, \$2,396,000; United Keno Hill Mines at \$100,000; Clinton Creek at \$341,000; and Ketz at \$621,000. All of these amounts — it's worth recording for Hansard as well — are 100-percent recoverable from Canada. This is from operation and maintenance details from Energy, Mines and Resources, so all of that will total up to \$3,456,000. There was also a reduction of \$1,890,000 for Assessment and Abandoned Mines. That is a reduction that reflects the revised independent assessor work plan for Ketz, a type 2 funding agreement with Canada, which is the transfer of Faro governance to Canada, which is 100-percent recoverable from Canada to the tune of \$17,815,000.

Then we have Oil and Gas Resources, well abandonment funds deferred to the 2019-20 budget year. The project was not completed due to delays in the procurement process and weather conditions. Mineral Resources, Wolverine mine construction, commission and operation of a water treatment plant at the mine site — again, 100-percent recoverable from a third party — that's a reduction of the budget item from \$1,400,000.

Sorry, I'm confusing two numbers — the Oil and Gas Resources, abandonment of wells was the reduction of \$1.4 million; the Mineral Resources, Wolverine mine construction is an increase of \$6,550,000; and the last line item for the calculation is Strategic Alliance, additional funding for the first national Gateway project — so we have an additional \$575,000.

All of that, with the lion's share being the type 2 funding agreement with Canada — being the lion's share of a

reduction of a budgetary item — comes in at a total of minus \$10,522,000, for a total net decrease in operation and maintenance, Energy, Mines and Resources, of \$9,956,000.

If the minister has anything else to add or anything specific, if it's okay with the opposition, we'll allow him that opportunity.

Mr. Kent: Again, noted in this budget and the Premier just repeated it — I think he said it — that for type 2 funding agreements with Canada for the transfer of Faro care and maintenance and implementation of urgent works to Canada, there's the reduction of \$17,815,000. I'm curious if there were discussions about transferring all of the type 2 sites back to Canada instead of just Faro. Perhaps the Premier or the minister can let us know, or let Yukoners know, if they entertained any of those thoughts or if those discussions took place or if it was just specific to the transfer of Faro.

Hon. Mr. Pillai: There were no discussions that took place concerning transfer of any other type 2 work. The strategy was to ensure that our team can focus on those reclamation projects and, at the same time, provide the regulatory responsibility over the Faro site. At this point, with the magnitude of the Faro site and with Ross River in place and Selkirk First Nation having a greater opportunity to take part in some of the larger procurement, this was inevitably providing impact to our economy here through joint venture or through subcontract.

Mr. Kent: I know the Premier responded to this when he was answering a question from the Leader of the Third Party, but it was a question that I had raised about the FTEs associated with Assessment and Abandoned Mines — the Yukon side of things. This is obviously very unscientific, but I went on the website and it shows there are 12 individuals working for Assessment and Abandoned Mines. If the Premier — and again, I understand if he doesn't have this information with him today — could tell me: Is that equivalent to 12 FTEs working in Assessment and Abandoned Mines? If he does have that note from when he was talking to the Leader of the NDP about the number of FTEs associated with Faro versus the number of FTEs associated with the other type 2 sites, I would appreciate that information. Again, if he doesn't have it here with him today, we can follow up at a later date.

Hon. Mr. Silver: There was the question — not only in the Legislative Assembly from the Leader of the Third Party, but also, I believe, at the briefing — about the status of the FTEs within that transfer. Under the draft transition agreement, Canada has agreed to fund up to four of those full-time equivalent positions and the related infrastructure requirements to support Yukon's ongoing role in that project until a water licence is issued for the remediation project.

Continued funding will be subject to review and approval of the parties and linked to the revised Faro governance model under the review with Canada. In addition to the four full-time project staff, Canada also agreed to provide funding for up to four full-time equivalent positions for a period of two years to allow Yukon to redeploy existing project staff within the Yukon government, at their sole discretion. The redeployed project staff are currently working for Assessment and

Abandoned Mines on type 2 sites. Canada has also agreed to allow Yukon government to redeploy up to four existing project staff to fill the vacancies in the type 2 unit, subject to the approval of an annual detailed work plan.

This is a good briefing of the 12 positions in total and their responsibilities.

Mr. Kent: I apologize to the Premier if he answered this question, but I have just one more question for clarification. Are all of the FTEs in Assessment and Abandoned Mines — and, I guess, the budget of Assessment and Abandoned Mines, including the human resources — is that all 100-percent recoverable from Canada, or is there a Yukon component to funding that?

Hon. Mr. Pillai: The said positions that the Premier had touched upon are all funded 100 percent by Canada.

Mr. Kent: Is that the entire complement of the staff at Assessment and Abandoned Mines or just the ones that the Premier talked about? I will review the Blues to take a look at exactly what the Premier mentioned, but does that cover all of the staff there?

Hon. Mr. Pillai: I am just speaking to the positions today that we are speaking of concerning the Faro project — the 12 positions — and all, of course, in a different continuum — the four that we talked about here in the Assembly that get revised based on work plans — very similar to the structure that was in place for most of these with Canada — and, of course, the four full-time project staff and the others.

I can come back at another time and have a discussion — in the springtime — concerning, not so much the supplementary budget, but the overall budget and what percentage of the total staff, as we go into the next year, is supported through third-party agreements versus our normal O&M budget.

Mr. Kent: Actually, that is what I was just going to mention — that I will follow up with the minister in the spring when he has officials present and we are debating the Energy, Mines and Resources department in the mains.

I have some Wolverine mine questions as well. The Premier mentioned that there is \$6.55 million in this supplementary budget for a water treatment plant at the mine site — 100-percent recoverable from the security.

At the briefing, we asked about the status of the Wolverine mine and we were informed by officials that, under the quartz mining licence, it's in temporary closure but the water licence has the project in full closure. We've heard — and officials indicated — that there is some commercial interest — the opportunity for some people who are looking at buying that particular property from the current owners.

I am just wondering if the Premier or the minister can shed a little light on this temporary closure under the quartz licence and full closure under the water licence, and what that would mean for any proponent to get the mine back into production. Would they have to start right back at the beginning and go through YESAA to get the water licence, or is there some other way for them to come out of full closure and go into commercial operation based on the previous water licence?

Hon. Mr. Pillai: I think it would best, with this particular question, to have an opportunity to meet with the officials at Energy, Mines and Resources and the officials at the Executive Council Office through major projects, because I think there have been ongoing discussions with a new party. As of today, it looks like there's a new owner who wants to restart and open the mine. There was a negotiation that was ongoing for the last number of weeks. That has now subsided with that particular group. We did support the process.

I want to commend the officials at Energy, Mines and Resources, as well as at Major Projects Yukon, in Environment and Executive Council Office. I apologize if I have missed any others, but there has been a really phenomenal approach to this where there has been a team that has been brought together to ensure that we do the right thing when it comes to the health and welfare of Yukoners, that we look after the site in the most appropriate way and also make sure that, if there is, as we see — of course, we have soft copper prices right now, and then we have had zinc soften, but at the same time, there has been renewed interest on the outlook for both. With that in mind, we want to make sure that we have the proper processes in place.

As the member opposite would be aware, there would be quite an extensive process that would happen with the Water Board to ensure that the current licence — now, there may be other tools that could be used. That is really for the Water Board to speak to versus the Minister of Energy, Mines and Resources. I know that, as early as this morning, there were discussions that were taking place with the new ownership group that is taking on some of the responsibilities.

Our team at Energy, Mines and Resources will ensure that we are sitting with the group in Major Projects Yukon, that we take a look at what is happening when it comes to commissioning of the infrastructure that we feel we need to put into place. Are we going to go down the process of tendering? Are we going to work with them? It is all so new, but certainly our biggest responsibility is to ensure that the site is looked after. Secondary to that is to see if there is an economic opportunity for the Yukon and, of course, all the while having discussions with the affected Kaska nations on this particular project. I would be comfortable during Question Period to speak to this as we move forward and as we have new information from the new ownership group.

Mr. Kent: I thank the minister for that. I had heard that there were new owners in place. I just wasn't sure if it was public information yet, so I appreciate that he has confirmed that it is public. Hopefully the new owners will be able to move through this licensing issue that they are facing right now, get the mine back into production and get the security back into place. It is my understanding that the \$6.5 million is coming from the security and officials told us there was about \$5 million left in security.

Another quick question on the Wolverine mine would be: Does the Premier or the minister know when we would expect a tender to go out for the construction and operation of a water treatment plant at the mine site? Has it been awarded in a different way? Is it an urgent works or will it be going through

the normal tendering process for this \$6.5-million-plus expenditure?

Hon. Mr. Silver: I want to clarify that, after work is completed, approximately \$4.1 million in security would be remaining. I believe the member opposite quoted \$5 million, but it is \$4.1 million. Also, urgent works is underway to treat water from the underground mine and to discharge it into the Go Creek — if there is any other information from the minister, then if he could avail himself at this time.

Hon. Mr. Pillai: Just to clarify, there is some work on-site that has taken place. The previous owner also undertook a bit of due diligence on potential systems that could be looked at, but at this point, there has been no procurement of infrastructure. The department continues to prepare a process that is appropriate and accountable, looking to see under the very specifics of the technical nature of this type of work what local companies or local partnerships can help us to get this work taken care of.

Mr. Kent: Under the strategic alliances and the carry-forward of funds for the First Nation — the briefing note we got from officials said "First Nation gateway project", but I'm assuming that is the gateway resource roads project. Am I correct in assuming that? Maybe I will just sit down and get clarification; otherwise I'm thinking about something entirely different.

Hon. Mr. Silver: I'm assuming that he's talking about the briefing on the Energy, Mines and Resources. It does say that gateway discussions with First Nations on the gateway project agreement are ongoing. That would mean the gateway project, the federally matched funding for the 75/25 split money for the gateway project. I do believe so.

Mr. Kent: I thank the Premier for that clarification and also for clarifying the amount left for the Wolverine mine. Officials had told us \$5 million, but I thank him for letting us know that it is now \$4.1 million left in the security.

On the project agreements and the negotiation with First Nations, are there any updates that the minister or the Premier can provide us on progress on that? I think it was a little over a year ago now that the Prime Minister was here to announce the Canadian portion of the funding for this project, so I'm just curious about if there are any updates that the minister or the Premier has for Yukoners and particularly those Yukon contractors and First Nations who are looking forward to building these roads — and, of course, the companies along the roads that will benefit once they are constructed.

Hon. Mr. Pillai: Just for a bit of background, the Yukon Resource Gateway Project that the member opposite is speaking to will provide a bypass at Carmacks and approximately 650 kilometres of needed upgrades to the existing road infrastructure in Dawson. It and the Nahanni Range are two areas of high mineral potential and active mining.

At this particular time the department continues to have good discussion. There has been agreement on the relationship with the Little Salmon Carmacks First Nation and on the bypass. That will now move to the environmental assessment process.

There are talks continuing over this week, as well as into the next number of weeks, to conclude agreements with both the Liard First Nation and also a more complex conversation, but with First Nations, concerning the Coffee Gold infrastructure.

The department continues to work diligently. The Department of Energy, Mines and Resources takes on the responsibility of the negotiation and consultation with the nations, and then the responsibility will move over to the Department of Highways and Public Works, which will then take us through the technical processes where both departments will feed into the assessment process and then look to move to construction in the spring of next year.

Hon. Mr. Silver: Just for clarity's sake as far as the split, I was incorrect in saying 75/25. The proposed value is going to be \$468 million, including \$248 million from the federal government, \$112 million from Yukon government and then \$108 million from industry.

Right now, the Department of Energy, Mines and Resources has identified over a half-million dollars in funding for engagement with the affected First Nations and to negotiate those project agreements, and we are currently developing those agreements.

When required, of course, the components of the Yukon Resource Gateway project will be subject to the Yukon assessment process and, at that time, would be an opportunity for the public to have input on it as well.

Mr. Kent: If the Premier can let us know: Are they going to wait until the First Nation agreements are in place before proceeding to YESAA? Is that the sequence of events with this? Because I think the Minister of Energy, Mines and Resources mentioned that they are hoping to start construction in the next construction season, 2019. The sequence is: First Nation agreements, then any particular YESAB assessments that need to be done and then construction. Is that correct?

Hon. Mr. Pillai: Yes, the department is looking to conclude and then to make sure that we're preparing documents. We're going to make sure that, as we go through the order of events, we are taking into consideration next year's building season and also making sure that there could be portions of the project that are moving quicker than others, depending on where we are in discussions and how much of the preparation work is done in each particular area.

Of course, when it comes to certain areas in Dawson where there are existing roadways — or there are existing roadways in south Yukon and in southeast Yukon where there are upgrades — or where you're looking at discussion that has been going on and concluded now with more of a planning phase in Carmacks. You are in different areas — ahead in some processes versus others. In each particular area, yes, we would be making sure we concluded those conversations with each First Nation before we move toward going through assessment at this particular time.

Mr. Kent: I thank the minister for that response. I am just going to have one follow-up question on that and then I will ask a couple of questions about another topic. If the minister can provide us with a time horizon for the entire

project — obviously we don't want to see everything tendered in one year. We want to make sure there are opportunities for local contractors, but if they had some sort of an idea on how long it will take to complete the gateway project once all the necessary agreements and approvals are in place — what they are thinking for a construction schedule.

I have a few questions about the ATAC road and the Stewart watershed sub-regional plan that the minister announced in the spring.

I will just get these on the record quickly. I am just wondering — and I didn't see any public announcements or news releases about this — about the committee, if it has been established, the makeup and the structure of that committee, if the committee has terms of reference and when any public engagement could be scheduled. Obviously the minister and the First Nation set proposed dates of March 2020, I believe, to have the sub-regional land use plan done, as well as a road management plan, I believe. I don't have a copy of the news release here with me. I'm just looking for some details on what is going on there, as well as what the budget is for this committee to conduct their work.

Hon. Mr. Pillai: I will just actually get the member opposite — it was a two-part question with different themes. I'll get the first question and then we can go to ATAC.

Mr. Kent: The first question dealt with the gateway project. I am just looking for some sort of an idea on what the time horizon is or the schedule for construction. I know it's early days with that, but once the agreements are in place and the environmental assessments are done, what are you looking at as far as timing to get those dollars spent and over what type of time horizon?

Hon. Mr. Pillai: I think that this is a submission and I believe the member opposite should know, probably from previous experience, a bit of the scope of the work and how it is connected. I think that our government is committed to following through on the terms of reference on the contribution agreement and continuing to do the work in the time frame that has been identified at this particular time. We are looking at a situation where part of that plan, of course — we will continue to look at and make sure that we are always taking into consideration what is best for Yukoners, Yukon companies and value.

We'll stay the course, unless there's a decision based on a swing in commodity prices or a project to pivot, and ensure that we're continuing to support Yukon and Yukon companies.

As for ATAC, I'll touch a bit on ATAC just to respect the question. I believe that part of the role here is we have a supplementary budget and we are not really — I don't believe — I know there are a number of line items here that have had changes and, because Energy, Mines and Resources will not be coming forward because there's no request for new monies, we are going a little bit outside of the parameters in the sense that there wasn't any change, or ATAC, listed in our Energy, Mines and Resources budget.

The Yukon government and the First Nation of Na Cho Nyäk Dun were both decision bodies for the ATAC road, and

there was significant concern raised by NND about the access to the region and this project proceeding in the absence of a regional land use plan.

While we work at completing the Peel watershed land use planning process, restarting the Dawson land use planning commission and work with First Nations on how to improve the planning process, the Yukon government and the First Nation of Na Cho Nyäk Dun agreed to a new approach to plan the Beaver River portion of the Stewart River watershed and to work with ATAC Resources to develop a road access management plan.

The ATAC road agreement between the Yukon government and the First Nation of Na Cho Nyäk Dun outlines how our two governments will work collaboratively to complete the local land use plan and work with ATAC Resources to develop a road access management plan.

Yukon government also works with the First Nations and communities in other planning exercises outside of chapter 11, including local area planning and zoning regulations. Of course, the Government of Yukon is committed to advancing reconciliation with First Nations and bringing sustainable development and tangible benefits to Yukon communities.

The planning committee started meeting in the summer of 2018 and will endeavour to submit the local land use plan to the First Nation and governments for March 31, 2020, which was what we identified as a timeline. The local land use plan and the road access management plan must be completed before the construction of the road is authorized.

Mr. Kent: I will have some further questions, I guess, during Question Period about that specific project and what the budget is and the committee makeup and when all that stuff was determined, who is on the committee, those types of things — terms of reference.

Under the Energy, Corporate Policy and Communications side of things within this supplementary budget, a couple of line items — there are four different line items, I think, so I wanted to touch on a few of them. The first was an agreement with Canada for solar, biomass and energy planning for First Nation projects — \$371,000. The second one was an agreement with Natural Resources Canada to support First Nation biomass-related projects — \$245,000. I'm hoping that the Premier or perhaps the minister can give us a sense of where those biomass-related projects are that the First Nations are contemplating and if the government is considering any biomass projects that are brought forward by a non-First Nation proponent at this time — if either the Premier or minister could let us know that as well, that would be great.

Hon. Mr. Pillai: So concerning the Energy, Corporate Policy and Communications budget changes — the overall in the operation and maintenance estimate for the Energy, Corporate Policy and Communications division has increased by \$466,000. It's up seven percent from the original \$6.5 million.

Indigenous and Northern Affairs is contributing \$371,000 for the Yukon government to work directly with seven Yukon First Nations on various research projects or assessments and feasibility studies related to implementing community

biomass systems. The Yukon government has reached an agreement with Natural Resources Canada to support biomass in First Nation energy audit work with \$245,000. The Yukon government plans to add biomass heating systems to three community schools. New boiler systems are being installed to be used as backup systems once the biomass heating systems are in place.

About \$800,000 will flow through the residential and commercial energy incentive programs. The former provides incentive for energy efficiency improvements to existing residences and for the construction of new super-insulated homes. The commercial energy incentive is for energy efficiency retrofits and lighting system upgrades for multi-family dwellings and commercial buildings.

As for biomass specific to that, we do have one interested party in Watson Lake that we have continued to have discussions with. Part of the challenge is making sure that there is enough critical mass within the business model. There have been requests to add, not just what was contemplated before for government buildings, but to have a bigger scale in place so that there would be more — the critical mass of opportunity there would provide a more feasible project and would, I think, reduce the overall risk as well with the capital investment.

We continue to work with different nations. There is a real interest by my colleagues and me when it comes to biomass — whether it is the Minister of Community Services or the Minister of Highways and Public Works — the three of us, with the lead of Community Services and my colleague, Mr. Streicker — bringing together the three of us to look at the full cycle of how we can take biomass into consideration. Whether we are working with First Nation governments, development corporations or the private sector in the Yukon — right now, in the Kluane riding, we have significant players with a tremendous amount of experience and projects that we have supported through Energy, Mines and Resources as well as Economic Development, such as our greenhouse project, through which now we have food growing here in the Yukon throughout the winter. It is a great project. We can maybe speak to that later in the session and highlight it, but we are seeing the chips coming from Kluane now versus Alberta.

We are committed to working with the private sector on these projects. There is different technology as well that we are taking into consideration. Some of the technology that is being used in the Teslin project — which the Teslin government and their technicians feel comfortable with, right from the electrical infrastructure that is required through to the actual biomass systems. At the same time, we are supporting looking at new technology, such as some of the Finnish technology that was first contemplated. When we came into government, it was contemplated to be dispatched here in Whitehorse and we are trying to make sure that we have the best possible place for that. It is the Volter technology.

We are looking to many Yukoners. Both of my colleagues and I attended the Yukon Wood Products Association AGM. We had a great conversation with their leadership and the Minister of Community Services and the

Minister of Highways and Public Works. We discussed where the opportunities are and how we can work with the different stakeholders represented within that board. We are looking to continue to have those discussions. We did hear earlier, when we started to look at some of the amendments in legislation — the Member for Lake Laberge touched on the fact that there were some concerns. We spoke to the fact that there is a review happening, and we looked to kick that off to review the legislation that surrounds forestry, so we will have another opportunity to hear from Yukoners and try to understand where the opportunities are and how we can best help them. Certainly we think biomass is key.

There are a number of other items in here, and I want to ensure that I thank Energy, Mines and Resources and the Energy branch. There are other assessments that have been done — whether it is Haines Junction or other communities that are going in, doing energy assessments and ensuring that the right technical expertise is put in place so that, at the grassroots level, we can see many of these renewable energy sources being taken into consideration and put into place. We are, of course, open to the private sector. We are trying to ensure that we get out of the business of doing business.

Mr. Kent: I thank the Minister of Energy, Mines and Resources and the Premier for answering the questions with respect to Energy, Mines and Resources in the supplementary budget.

I am going to move into a few questions that I have with respect to Education. Of course, Education has a zero line item here with respect to the supplementary budget, but I still have some questions with money that was committed in the mains. We are hoping that it is still going forward and we will get a sense from the minister or the Premier with respect to those dollars, as well as some policy discussions in Education.

I know I talked about this in the spring, but it was right on the heels of the transfer of the Native Language Centre from Yukon government to the Council of Yukon First Nations. I think that it was so close to the tabling of the budget that I don't believe the money, as it was reported, had been transferred out of the Department of Education. Perhaps we could get a sense from the Premier or the minister — has the contribution agreement been negotiated? Is there a term that they can give us? Is there any initial indication of what the work plan would be for the Council of Yukon First Nations' new role in running the Yukon Native Language Centre? Have there been any mandate changes that the minister would like to highlight for us?

Finally, with that — I talked about it and I want to obviously be careful about personnel issues, but the minister indicated when, I think, the announcement was made that those employees not continuing on with the Yukon Native Language Centre — there would be positions found for them within government or particularly in Education? I am just looking for an overall update on the transfer of the Yukon Native Language Centre and how that has rolled out, and if those personnel have been assigned to new roles within Yukon government — those who aren't with the Yukon Native Language Centre anymore.

Hon. Ms. McPhee: As the member opposite knows, the Yukon Native Language Centre provides key services and training in certifying new language teachers preserving and documenting Yukon First Nation languages and developing curriculum and other learning resources.

Currently, the Yukon Native Language Centre is developing a work plan to be approved for funding by Education. This will include the provision of training for aboriginal language teachers and trainees. That work is still continuing. As more communities — for example, the Champagne and Aishihik First Nations and others — begin to develop their own adult language training programs, we are discussing the role of the Yukon Native Language Centre, the existing school-based resources and funding, and the ways that we can collaborate to provide aboriginal language instruction to as many students as possible. Aboriginal indigenous languages are a priority for this government in Education.

They are priority for — the United Nations Year of Indigenous Languages will be 2019. I can tell you that it is a priority for ministers of education across this country and has been slated as a priority for the ministers of education going forward.

With respect to some of the finances, CYFN will continue to receive \$450,000 annually from the Department of Education to support the operations of the Yukon Native Language Centre, including First Nation language teacher and trainee programs, and to develop the curriculum and resource materials and the language proficiency development.

As of June 2018, there were 41.10 FTE deployed Aboriginal language teachers and trainees in the territory, but it continues to be an area that requires attention and requires new language learners all the time in order for languages to be preserved and to grow.

Included in that number are 6.3 staff positions at the Yukon Native Language Centre. Discussions are currently underway to determine a new funding agreement that will include the funding previously allocated for the salaries of the 6.3 FTEs to CYFN. CYFN has submitted a proposal for the Yukon Native Language Centre that will allow them to staff the centre as part of their requirements.

I'm looking quickly for the information regarding the staff who were previously employed at the language centre on behalf of the Yukon government. It is my recollection that there were six people, but I stand corrected on this.

I shouldn't be guessing, but my recollection is that there were six people and that they have all received employment elsewhere, with the exception possibly of one person who I think may have retired. This is information that I can provide to you, of course, in an aggregate form in a legislative return if that's something that is of interest to the member.

Certainly, the most updated information that I recall from conversations about this particular topic was that all the individuals had been dealt with and worked closely with and had found employment in places that were suitable to them.

Mr. Kent: Again, this is one of those particular issues that we can revisit in the spring when the minister has officials

here to support her. Hopefully by that time the work plan has been approved and an agreement will have been negotiated so we can get a better sense.

I just have one quick question. She may have answered this. For this year, as the new work plan is being developed, is the Yukon Native Language Centre, under CYFN's leadership, operating under the existing work plan that was in place as we devise a new one? That would be great if the minister could clarify that for me.

Hon. Ms. McPhee: That is my understanding, but I know that there is extensive work happening so that the priorities of the Council of Yukon First Nations and the individual First Nations that work with them can be folded into or considered within the new work plan.

Clearly one of the reasons this decision was made was that the Council of Yukon First Nations had some priorities and a direction that they wanted the Yukon Native Language Centre to go in, and that was not the way it had been operating. Of course, we want — all Yukoners want — it to be the most effective operation possible.

It's my understanding that they are currently operating under the same work plan because there hasn't been a new one, but I hesitate because I think there's obviously staffing changes and some things like that. It may be that the development of the new work plan will resolve all of those issues.

Mr. Kent: I'm going to turn my attention to some safety issues that have been identified for us from some of the school communities that we work with or parents that are involved in those schools. The first one is with respect to the PA system at Elijah Smith Elementary School. I understand that it has been down for some time. Of course, functioning PA systems are extremely important for schools. I think the interim measure that's in place — again, this was explained to me by one of the individuals in the school community, so if it's not the case, I would certainly welcome the minister to correct this on the record — but in case of a school-wide emergency, teachers or admin staff are dispatched to go down the halls and knock on each door to alert each classroom. Then if there's an emergency in an individual classroom, the teachers in those classrooms have walkie-talkies, I think, so that they're able to communicate with the office. In one particular incident, I understand, the teacher couldn't find the walkie-talkie, and it was fairly serious.

I will give the Minister of Highways and Public Works an opportunity to give us a sense of when this particular PA system is scheduled to be fixed. Is there something in the current mains or is it work that will be addressed in a future supplementary or, perhaps, in this supplementary with existing dollars being reallocated? It is the PA system at Elijah Smith and whether or not there are other schools that perhaps we don't know about or haven't heard about that are in a similar situation and don't have a functioning PA system — I think it has been identified to us, and me in particular, as a health and safety issue for those schools.

Hon. Ms. McPhee: This is not something that I have up-to-date information about. I appreciate the question. Of

course, PA systems in all buildings — but certainly in schools — are a critical part of the safety plan, as well as all functioning infrastructure. I have not had this issue brought to my attention, either from someone at the school or through the department, so I am puzzled a bit that it is of serious concern. I am looking to my colleague, but certainly it is something that we will pay attention to. I am not sure that I have the recollection that it was an issue for — when you say “for some time”, I am recalling that maybe it was an issue during the election, and it certainly was my understanding that it had been addressed. I appreciate you bringing it to our attention, and I will look into it immediately.

Mr. Kent: I appreciate the minister taking a look into that. If there is also the opportunity for her to determine whether there is work scheduled for some of the other schools with respect to their PA systems — the other school that was brought to my attention — and I'm not going to take a shot at the new name, but the school formerly known as the Teslin school that my colleague from Pelly-Nisutlin, who is an alumni of that elementary school, mentioned to me that they have never had a PA system there. This isn't something that needs to be fixed or addressed; it sounds like they need one installed. When I was Minister of Education, I didn't know that they didn't have a PA system there, so I can certainly appreciate that perhaps the current minister wouldn't know that either.

If there is an opportunity for her just to look into that for us and again look into all the schools because, as I mentioned, one particular incident was relayed to me, something that happened at Elijah Smith that I certainly wouldn't want to mention on the floor of the House, but I would talk to her privately, perhaps at House leaders on Monday or something, about that issue that is quite concerning — a safety issue at Elijah Smith.

There are a number of questions that I still have with respect to Education. I wanted to get into some of the seismic and geotechnical reports for various schools, especially those ones that were identified in the 2013 schools seismic report and the subsequent school seismic mitigation program.

I have some questions as well for the minister about Advanced Education and if there is a new structure within that branch at the department.

I wanted to ask a little bit about Public Schools and the curriculum rollout — obviously a chance outside of Question Period to follow up on the portables issue and the wait-list issue, particularly at the Golden Horn school which, as members know, serves my riding, as well as students and families in the Member for Mount Lorne-Southern Lakes' riding.

I was hopefully looking to talk about the Yukon university and get an update on that, as well as any cost pressures that the government might be seeing in this budget or in future budgets with respect to transitioning Yukon College into a university.

We will have to save those questions and probably a couple of others for another day.

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

Chair: It has been moved by Mr. Kent that the Chair report progress.

Motion agreed to

Hon. Ms. McPhee: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Ms. McPhee that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Mr. Hutton: Mr. Speaker, Committee of the Whole has considered Bill No. 22, entitled *Act to Amend the Forest Resources Act and the Territorial Lands (Yukon) Act (2018)*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 207, entitled *Second Appropriation Act, 2018-19*, and directed me to report progress.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:30 p.m.

The following sessional paper was tabled October 11, 2018:

34-2-74

Yukon Development Corporation 2017 Report 2017
(Pillai)

The following legislative returns were tabled October 11, 2018:

34-2-150

Response to matter outstanding from discussion with Ms. White related to general debate of Bill No. 207, *Second Appropriation Act, 2018-19* — Yukon Housing Corporation wait-lists for seniors and tenants with disabilities (Frost)

34-2-151

Response to matter outstanding from discussion with Ms. White related to general debate of Bill No. 207, *Second Appropriation Act, 2018-19* — Yukon Housing Corporation addressing requests from tenants with disabilities (Frost)