

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Wednesday, December 2, 2009 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

Tributes.

## TRIBUTES

### In remembrance of Bea Firth

**Speaker:** It is an honour for me to deliver a tribute on behalf of myself and all the members of the House in remembrance of Beatrice Ann Firth, Member of the Legislative Assembly for Whitehorse Riverdale South from 1982 to 1992 and for Riverdale South from 1992 to 1996. Bea passed away on June 20 last year.

Bea was a formidable person of great strength of character and conviction, passionate, fearless, and well-informed. She was a credit to this Assembly in every role she took on, be it a Cabinet minister, opposition member, government backbencher, or Independent member.

A trailblazer, Bea advocated tirelessly for her constituents and for the issues she believed in strongly. While in government, she brought in an important piece of new legislation, the *Access to Information Act*, which she introduced in the Assembly in the fall of 1983.

Bea also played a key role in getting the Yukon government, the RCMP, and Northwestel together to bring 911 emergency service to Whitehorse. Quoted in Joyce Hayden's *Yukon Women of Power*, Bea said, "Seven years after I first raised the issue in the House, it actually happened. I don't think anyone has worked as long on such a high-profile issue."

Bea's relentless efforts to get a mammography machine for the Whitehorse General Hospital, where she had worked for many years as a nurse, also paid off. That Bea managed to achieve these two successes, not during her time in government, but from the opposition benches, where she spent the majority of her 14 years in the House, is a testament to her effectiveness as a member.

First elected to the Yukon Legislative Assembly in 1982, Bea was sworn in as Minister of Education, Advanced Education and Manpower, and of Tourism, Heritage and Cultural Resources. In 1996, though called "unseatable" by many, Bea chose not to run for re-election and instead turned her efforts to the farm she shared with her husband, Tom.

On behalf of all Members of the Legislative Assembly, I offer our sincere condolences to Bea's family, especially to Tom Firth, who is here with us in the gallery today.

Yukon is an undeniably better place because of the diligent, dogged efforts of this extraordinary Yukoner. I'd like all members to join me in welcoming Tom Firth, Rick Nielsen,

Maureen Nielsen and members of the Nielsen family to this gallery today and this tribute to Ms. Firth.

Are there any further tributes?

### In recognition of National Safe Driving Week

**Hon. Mr. Lang:** On behalf of the House, I'd like to do a tribute to National Safe Driving Week. December 1 to 7 is National Safe Driving Week.

Mr. Speaker, I rise today to recognize National Safe Driving Week. Every year from December 1 to 7, all Canadians are asked to look at their actions behind the wheel and recognize that safety on our roads is everyone's responsibility. This year's theme for National Safe Driving Week is, "Who has your back on the road this winter?"

During the winter, weather in Yukon can mean difficult driving conditions that can change quickly and unexpectedly. As responsible drivers, this means we must be prepared to adapt to these rapid changes. Having an emergency kit in your vehicle is an excellent resource for unexpected situations that can arise on the road. Safety kits can consist of simple things such as rope, non-perishable food, matches, blankets and flares. It is better to be safe than sorry.

Advances in technology, infrastructure and better law enforcement have contributed to the increasingly safer roads we have been enjoying over the last few years. However, it is important to recognize that the number one contributor to safe driving is our own behaviour behind the wheel. Responsible drivers allow adequate travel time, are always prepared, drive according to weather conditions, obey the laws and plan ahead.

Mr. Speaker, I am pleased to say that the holiday season is upon us, and the community has started to light up with Christmas lights, and shoppers are now bustling through the stores. As this time of year can bring lots of happiness and joy, it is important to remind people that while they enjoy the holiday season, they must plan ahead to get home safely.

For many of us, holiday celebrations are indeed one of the best parts of this time of the year, but if alcohol is consumed at these celebrations, we must plan ahead to avoid getting behind the wheel and creating risks for ourselves and everyone else on the road. We are all aware of the risk involved with impaired driving.

Getting home safe is as simple as designating a sober driver or calling a taxi. I urge all Yukoners to think twice before getting behind the wheel this holiday season. Being a responsible driver means you are responsible not only for your own life, but for the lives of others. During this month, the RCMP will perform their regular holiday checkstops to increase the safety on our roads. These stop-checks are part of a long-term initiative to keep unfit and impaired drivers off our roads. Annually, there are approximately 6,000 vehicles that go through the RCMP holiday checkstops in Yukon.

Besides impaired driving, there are other leading causes of crashes, injuries and deaths on the road. Safety belts must be worn properly by all travellers in your vehicle. Pay full attention while you are driving and avoid distracting activities such as talking or texting on your cellphone. Such activities impair your ability to react and make safe driving decisions as much

as driving after consuming alcohol. When behind the wheel, please remember: drive sober, be focused, and buckle up.

I would also like to take a moment to mention the excellent work done by the transportation division of the Department of Highways and Public Works. Maintenance crews work 365 days a year and often long hours under every weather condition to ensure Yukoners travel on safe roads.

In closing, I urge Yukoners to use care when operating a motor vehicle. Safety is everyone's responsibility. Again, our own behaviour behind the wheel is the number one contributor to safe driving. We must remember to be sober, be focused and be buckled up.

**Mr. Inverarity:** I rise today on behalf of the Official Opposition parties to pay tribute to National Safe Driving Week, December 1 through 7. National Safe Driving Week helps to raise public awareness of the need to drive safely. As a driver or a passenger, we must all realize just how vulnerable we are. Every time we get behind the wheel of a vehicle, we hold our life and the lives of others in our hands.

At this time of the year in particular, the weather can play a crucial role in safe driving. As Yukoners, we know winter driving can be a daunting task, especially when conditions are snowy or icy. We remind and encourage all drivers to prepare themselves and their vehicles for winter. Carrying an emergency car kit and safety provisions can help to make a difference and save lives. We ask all drivers to adjust their driving behaviour with the change of the seasons.

The Province of Ontario has just passed a law called "distracted driving legislation". This new law makes it illegal for drivers to talk, text, type or dial using a hand-held cellphone or other hand-held communications and entertainment devices. Ontario joins more than 50 countries worldwide and a growing number of North American jurisdictions that have similar distracted driving legislation, including Quebec, Nova Scotia, Newfoundland, Labrador, California and New York.

The purpose of this major legislation is to stop the carnage on our roads and to save lives. There are enough distractions for drivers without adding hand-held devices. When you're talking on a cellphone, whether it's a hands-free or hand-held, the attention is to the conversation and less to the road. Don't let your emotions or work get in the way of your safety on the road. Always make driving your first priority.

In 2008, there were eight deaths and 239 injuries in the Yukon because of road crashes. Almost all roadway-based injuries and deaths are preventable. We can all significantly reduce the number of senseless deaths and injuries by driving at the appropriate speed for the road conditions, by wearing seatbelts and by using properly fitted child restraints. We should not drink and drive, or drive when fatigued, and we should certainly not use cellphones or hand-held devices while driving.

We as Canadians must pledge to drive safely, obey the laws and put an end to the death and destruction on our roads. Road Safety Vision 2010 is a vision of making Canadian roads the safest in the world by 2010. Let us all do our part.

We would like to thank the many people who help to maintain our roads and make them safer. We thank the RCMP,

ambulance personnel, paramedics and medical professionals, and all those involved in first response when needed.

As the festive season approaches, please don't drink and drive; use a designated driver or call a taxi. Drive safely. It is better to be safe than sorry.

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

## TABLING RETURNS AND DOCUMENTS

**Speaker:** Under tabling returns and documents, the Chair has for tabling the annual report of the Yukon Human Rights Commission for the year ending March 31, 2009.

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 motion?

## NOTICES OF MOTION

**Mr. Mitchell:** I give notice today of the following motion:

THAT this House urges the Government of Canada:

(1) to develop and implement without further delay the comprehensive strategy to reduce poverty and homelessness across Canada;

(2) that this strategy be developed in consultation with the provinces and territories;

(3) that this strategy have a long-term vision with targets and timelines; dedicated fiscal resources with a plan of action and budget that coordinates with and across governments; accountability and public reporting; consultation with those who have life experience with poverty; and coordination with First Nations and aboriginal communities;

(4) that this strategy include a rights-based approach with special reference to United Nations international agreements that speak to economic and social rights; and

(5) that this strategy address the underlying determinants of poverty including

(a) substandard, unstable and unaffordable housing,

(b) insufficient education and job skills,

(c) inadequate support for the challenges faced by the working poor,

(d) inadequate support for the challenges faced by many people with disabilities, and

(e) the need for the sufficient residential treatment options for mental health patients.

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

THAT this House urges the Yukon government to act on the motion of the Yukon Legislative Assembly passed on November 18, 2008, which established an oversight committee on health care sustainability comprised of the Minister of Finance, the Minister of Health and Social Services, and representatives from the Official Opposition, the Third Party and Yukon First Nations, and call the oversight committee to meet in order to:

(1) oversee the work of the steering committee on health care sustainability;

- (2) examine the final report of the Yukon health care review;
- (3) make recommendations on further action on the recommendations in the review; and
- (4) discuss and act upon any other relevant topics.

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

THAT this House urges the Yukon government to act on behalf of grandparents and extended families caring for children by supporting them through financial and other assistance, in order to:

- (1) allow for a more inclusive system;
- (2) have better involvement of families with children who have been removed from their homes;
- (3) give options for children to stay within their family circle;
- (4) make certain that family units are kept together to the extent possible;
- (5) work in collaboration with families; and
- (6) support the extended family unit.

**Speaker:** Are there any further notices of motion?  
Hearing none, is there a statement by a minister?  
Hearing none, that brings us to Question Period.

## QUESTION PERIOD

### Question re: Yukon Energy Corporation/ATCO

**Mr. McRobb:** It's a shame the Yukon Party government hasn't yet announced the financing arrangements for the territory's two major power projects — the Mayo B expansion and phase 2 of the Carmacks-Stewart transmission line. We've heard various iterations of how they are partnering with the federal government, local First Nations and ATCO, but this government still hasn't revealed who's paying for it. We know the federal government requires these two projects to be completed within the next 16 months but we don't know yet who's picking up the tab. However, we do know the tab is getting bigger and bigger all the time. Can someone from the government side tell us how these costly projects will be paid for?

**Hon. Mr. Lang:** The Energy Corporation is working on that at the moment. Certainly, the timelines on completion of Mayo B do have timelines attached because this is part of the federal government contribution agreement that these projects get done in a timely fashion. The Prime Minister was talking about 2011 being the drop-dead date for completion of these projects. There's some urgency to this and the Energy Corporation is doing their good work now to get this project up and running and have it completed by 2011.

**Mr. McRobb:** There seems to be a cloud of secrecy hanging over this government's negotiations with respect to financing our territory's energy projects. Why is that? We know the Premier has his own parallel process for secret negotiations in addition to what he ordered his negotiating team to do. This is proven by the evidence before this House. The Premier has denied ever negotiating with ATCO's CEO and president, even though the evidence proves otherwise. Now we know that ATCO's executive jet landed in Whitehorse last

Wednesday to accommodate another secret meeting between ATCO's CEO and president and the Premier.

Will anybody from the government side of this House tell us what is going on here?

**Hon. Mr. Lang:** I remind the member opposite that ATCO owns Yukon Electrical Company Ltd., which has been a corporate citizen of this community for 100 years, so ATCO is a very important part of the fabric of our community and through Yukon Electrical contributes to the community. We only have to look at the Canada Winter Games. I'm not sure we could have put on the Canada Winter Games without ATCO's commitment to the resources to rent the tent that we all enjoyed during the games.

So I would be careful about what we say on the floor of the House. ATCO has an investment here. I imagine that ATCO arrives here many times. They do take care of their investment. Yukon Electrical Company Ltd. is one of their many companies. It's too bad that corporations like ATCO get ostracized by the members opposite, but I will fall on the side of the corporation, and the corporation is welcome in the Yukon at any time, however they want to arrive.

**Mr. McRobb:** Mr. Speaker, did they meet? The minister failed to answer that question. Now, there seems to be a lot of secrecy about this Premier's secret negotiating process, and this Yukon Party government isn't living up to its responsibilities to ensure that the public is informed on such important matters. Instead, everything is a secret. And when we find evidence, as we did to prove that the Premier has his own secret parallel negotiating process, what does the government do? They deny it. The government point blank denies it, and then hides behind officials.

We fully understand what the officials did in their negotiations with ATCO. What we need to investigate is this government's secret negotiations, which are apparently ongoing. So will anybody from this government stand up and show the public enough responsibility to inform us right now —

**Speaker:** Thank you.

**Mr. McRobb:** — about these negotiations?

**Hon. Mr. Lang:** In response to the member opposite, the Premier will be in his chair tomorrow. He has important conversations right now with the Minister of Finance, which he is doing. He will be back in the House here later this afternoon, but as far as representation or individuals from ATCO arriving in our community, I welcome them. They are a corporate citizen here in the territory. They own Yukon Electrical, which has been a corporate citizen for 100 years in our community. They are a very big part of our energy supply and have been for 100 years, Mr. Speaker. So as far as the ATCO jet or the ATCO car or Yukon Electrical employees, I look forward to any time that I as a Yukoner can meet with Yukon Electrical employees, that we treat them with respect and that we treat them as contributors to our community, which Yukon Electrical has been for 100 years.

### Question re: Carmacks-Stewart transmission line

**Mr. McRobb:** We've been trying all week to get to the bottom of the huge cost overruns in the Carmacks-Stewart transmission line project, but the Premier has been avoiding the

question, so today we're hoping someone else will stand up and be forthright with the information.

We fully understand there are multiple phases to this project, and we know the original estimate for all phases increased from \$32 million in 2005 to \$38 million in 2008. To be clear, that was \$38 million for the whole project from Carmacks to Stewart, including the Minto spur and substations — everything.

Yesterday the Premier confessed the latest cost estimate is \$70 million, so even with the updated figures, the cost has skyrocketed by \$32 million. Why was the cost overrun so huge when this government assured Yukoners that would never happen?

**Hon. Mr. Lang:** The member opposite has problems with adding up figures. There are two projects: there's the Carmacks-Pelly, Pelly-Stewart connection and the Stewart-Mayo connection. We are going in front of the Utilities Board and working with that board on all these costs. That's what we're doing. The Energy Corporation has entered into a partnership with the federal government and the overall project will cost somewhere in the range of \$150 million. That is just a ballpark figure at the moment, because I'm not sure at that end of things, but this is a very large project, very important to the consumers in the territory. This is an investment this government, in partnership with the federal government, is putting in place so the costs will not be borne by the consumer. This is good news for Yukon consumers of energy in the territory. However the member wants to add up the figures, they are wrong.

**Mr. McRobb:** Mr. Speaker, apples to apples, it is a \$32-million cost overrun — or \$38-million cost overrun using the 2005 estimates. This government also needs to explain its secret negotiations with ATCO to privatize our territory's energy future. We know the departmental negotiating team has explained itself, but the Premier hasn't and neither have any of the other ministers. This government also needs to explain how these two costly projects will be financed. We know the Premier met again with ATCO's CEO and president one week ago, but we still don't know what's up. We know this government wants ATCO to invest in these projects, but remains silent on the details and won't even admit to it.

So, will someone over there please stand up and finally answer these important questions?

**Hon. Mr. Lang:** Well, I can clear up one question, Mr. Speaker. ATCO is not part of the investing situation in the Mayo B. That I can say. That's a partnership between Yukon Energy Corporation, the territorial government and the federal government — good news for Yukoners. Regardless of what lack of ability in the math department the member opposite has, the figures he puts on the floor are —

#### **Speaker's statement**

**Speaker:** Order please. It has always been a principle of this House, honourable minister, that we don't attack members individually. Criticizing party platforms and approaches are fine but please do not attack other members individually.

**Hon. Mr. Lang:** Thank you, Mr. Speaker; I won't question his ability on math.

**Speaker:** Order. There's no talking about the intervention here, sir. You simply stand up and carry on with your questions. You have the floor.

**Hon. Mr. Lang:** Thank you, Mr. Speaker. I addressed the question about ATCO somehow getting into the conversation as a partner in the Mayo B project. That in fact is another thing where the member opposite is wrong. ATCO is not a partner in that. The other investor, Yukon Energy Corporation, is the corporate company that will be doing the actual building of Mayo B and the expanded line. That is three partners: the Yukon Energy Corporation, the territorial government and the Government of Canada.

**Mr. McRobb:** It's time to connect the dots. It's obvious this government is scrambling behind the scenes to arrange financing, and we're quite concerned about its state of desperation to keep these projects afloat. The federal government requires them to be completed within 16 months. That includes two winter seasons. There is also an election sometime in the next two years, so the Yukon Party will desperately try to avoid the addition of these two projects to its long list of failures.

Yukoners deserve to know what's being put on the table with ATCO. We do know this government was prepared to give our energy future, our water resources, and who knows what else to this Alberta company, but has denied everything. So will someone over there stand up and tell us what is on the table in these secret negotiations?

**Hon. Mr. Lang:** I will stand up and defend Yukon Electrical in this House and the employees and the good work they do across the territory. Every community has representation by Yukon Electrical. They are stellar employees, it is a well-run operation, and they do contribute to our communities, whether it's in Old Crow, Watson Lake, Swift River, Whitehorse — it is a very inclusive corporation.

Yukon Electrical Company Ltd. will always be defended by this government. They do a great job and have been contributing to Yukon's well-being for 100 years — 100 years. They're one of the oldest corporations in the Yukon. I on this side, and as a long-time Yukoner, will always defend Yukon Electrical Company Ltd.

#### **Question re: Independent power production**

**Mr. Hardy:** Let's turn the light on this subject now. The government recently released a discussion document as the first public step toward creating an independent power production — or IPP — policy for the Yukon. The deadline for comment is January 29. The minister said he'd be sending out the discussion document, and I quote: "looking forward to the consultation and input we're going to get from individuals, First Nations, NGOs and people who are interested in looking at our future." He made no mention of whether the government would be soliciting input from for-profit energy corporations, many of which have IPP projects in other jurisdictions and extensive experience in lobbying governments for change.

Did the minister meet with ATCO officials last week — who didn't show up here, as we know — and solicit input on IPP policies from ATCO or any other for-profit energy corporation?

**Hon. Mr. Lang:** No, I didn't meet with the corporation on IPPs.

**Mr. Hardy:** Mr. Speaker, we want green energy; we want new wind turbines, we want communities off diesel and energy self-sufficient and we want green energy solutions for industrial purposes like mining. We think that these things can be achieved within a strong system of public ownership. They do not necessitate selling off the people's resources to for-profit energy corporations. We're also leery of getting green-washed while the people's energy resources are sold off to private corporations. We don't want to see an IPP policy lead to backdoor privatization of our energy resources and we only have to look at what's happening in B.C. to see how that happens.

My question was originally for the Premier; I can't ask that question today, so I'll ask the minister: does the minister have any knowledge regarding a meeting between ATCO and the Premier last Friday?

**Hon. Mr. Lang:** Mr. Speaker, I don't keep the calendar for the Premier, but I'm certainly going to assure the member opposite that's why we're having these public consultations — to address exactly what the member opposite is talking about. We are moving forward with a consultation conversation with Yukoners on how they visualize their energy moving forward, so that's all about how this consultation will unfold. We are going to have a workshop; we're going to have the conversation with NGOs and all stakeholders and also the general public. I look forward to the participation of everybody in the Yukon who can get to these consultations and add their voices to it, because it is important that as this unfolds we do it the proper way and we do it the way Yukoners would like to see us go.

**Mr. Hardy:** Well, Mr. Speaker, it is kind of a shame that the Premier and the minister don't talk about our energy future. That's kind of what I thought caucus was about.

We don't want Yukon to go down the same path as B.C. where independent power production has, for the most part, just been a benefit for for-profit energy corporations. In B.C., the Crown corporation B.C. Hydro is prohibited from any expansion and new power must be generated by the private sector. It is a great deal for the private sector because the public utility is locked into purchasing power for years and years at high prices. Also, shareholders can make their profits from the public purse. In B.C., under the IPP rules, an abundance of run-of-river projects has created major ecological damage, as well as having a surplus of power that, once contracts with the government expire, can be sold to the highest bidder in Washington State, California, or wherever, not for the people.

Who and what is driving the Yukon's independent power production policy? Is it interested Yukon people or has there been lobbying by for-profit, big energy corporations?

**Hon. Mr. Lang:** I bring the member opposite to the *Energy Strategy for Yukon* that has been tabled here in the House — a go-forward plan. These kinds of issues that the member opposite has brought up are the kinds of issues that should be brought out to these meetings. We want to know what Yukoners think of IPP and net metering. We want that

input. I'm not going to second-guess what's going to come out of this, Mr. Speaker. I'm going to be very interested in what Yukoners have to say about how they feel about their future in the energy world. In addressing the member opposite, I recommend he comes to these public meetings and the workshops and voices his concerns. I look forward to what comes out of the final consultation with Yukoners.

**Question re: Takhini elk herd**

**Mr. Cathers:** The wild elk in the Yukon are not indigenous. They were imported by government. For many years the herd struggled to reach a large enough population to sustain itself. In 1990, the then Department of Renewable Resources did a report that identified the carrying capacity of the elk's range and identified the need for the population to reach a certain level for it to be genetically sustainable. Government biologists cited those two factors — carrying capacity and genetic sustainability — as the reason they recommended the Takhini elk herd be brought up to 100 animals and then kept at that level through hunting. They noted that growth beyond 100 would cause impact to other wildlife and property owners.

Will the Minister of Environment tell us the current estimated size of the Takhini elk herd?

**Hon. Ms. Taylor:** I thank the member opposite for the question. As the member opposite knows full well, the Department of Environment has been working in collaboration with a number of stakeholders, including First Nations, renewable resource councils, and the Fish and Wildlife Management Board on an elk strategy that was adopted in 2008, which reflects the goals and objectives of those who participated in the process, including limiting the range expansion and the population of the elk to 2007 levels and winter tick management.

A number of efforts have been underway, including the first-ever harvest of elk, which commenced in early September of this year and will continue to take place until the end of March. That harvest is quite successful thus far. We do have a ways to go in reaching the full permits that were allocated. As well, we are continuing with the winter tick management plan, which includes capture of both the Takhini and Braeburn herds, which has also been quite successful — in being able to continue our surveillance and monitoring efforts as well.

**Mr. Cathers:** Now, these wild elk are damaging Yukoners' farms, crops and fences. Many of the people who are affected owned their land before the elk were even in the territory, and nearly everyone who has been affected lived at their homes before the elk outgrew their core range a few years ago. There is a bit of a problem with using 2007 as the date, as has occurred to date in the strategy, in that, at that point, the population had already grown to the size that it was a problem.

In 1990, Renewable Resources estimated the size of the Takhini elk herd as 30 to 35 animals and recommended a target population of 100. To help farmers deal with this wildlife problem, Energy, Mines and Resources developed the wildlife damage prevention program and wildlife damage compensation program. Earlier this year, as then minister, I asked staff to work with farmers to improve the two programs and more effectively help people cope with the problem. Will the minister

assure me that enhancements to these two programs are still in the works and that this remains a priority?

**Hon. Mr. Lang:** As the minister responsible for agriculture, I can address the question about the interaction of the elk and the farmers. In the department, we have a wildlife damage prevention program, and that's available under Growing Forward, which can provide assistance up to a maximum of \$15,000 for installing a game fence to protect crops, hiring a herder or a contractor, or purchasing a guard dog or something that would distract the elk. In addition, there is another \$15,000 available to farmers under the Growing Forward beneficial management practices, once they have completed an environmental and food safe farm plan to purchase crop protection measures such as fencing, netting, alarms and repellants. So in other words, there are two programs. We are working actively with the farmers. We understand the dilemma they find themselves in. It's not an agricultural issue; it's an environmental issue, and we in the agriculture department are taking care of the ramifications of decisions that were made many years ago.

**Mr. Cathers:** I hope the Minister of Energy, Mines and Resources will review my question and get me a more full answer — again, the question is whether enhancements that were planned for these two programs are underway.

Environment, of course, issued a limited elk hunt this year, but the total permits are fewer than the amount the herd has increased as a result of efforts to deal with the winter ticks. Many of my constituents believe the number of permits needs to be increased.

This population of imported wildlife is having a negative impact on my constituents. Farmers are forced to stop using efficient practices, such as leaving crops on the field to allow horses or cattle to graze and, instead, have to spend time and money removing the crop, which of course also causes more CO<sub>2</sub> emissions.

Will the Minister of Environment agree to keep this issue on the front burner and commit to having her department work with farmers, the agriculture branch and others to review the effects of this year's hunt and consider whether the number of permits should be increased next year?

**Hon. Ms. Taylor:** As I articulated earlier, that is why we went to work on an elk harvest management strategy, which, by the way, reflects the goals and objectives of the elk management plan, which includes limiting the range expansion and the population of elk to 2007 levels, as was articulated in the 2008 plan. It also comprises initiatives to address winter ticks, which have been occurring as a result of climate change.

We are undertaking a number of initiatives to address elk management within the core zones, including the first full-permit hunt that we have seen in many years, which was initiated in September and will continue until the end of March next year. Thus far, as of November 30, 19 elk have been harvested.

The results of this hunt will be evaluated by both the elk technical team as well as the elk management committee in early January to determine whether in-season adjustments need to be made. We will continue with our tick-surveillance monitoring plans underway for this winter and other initiatives.

### Question re: Minto mine water testing

**Mr. Fairclough:** Recently we had a number of questions for the Minister of Environment about the decisions to hand off the responsibilities of water testing at the Minto mine. This task was quietly taken away from the Department of Environment and given to the Department of Energy, Mines and Resources. Six times we asked and six times the Premier stood up and responded — the minister was silent. Now, it sends a clear signal about who is calling the shots for the Department of Environment. The Premier did eventually confirm that the Department of Environment was cut out of the equation and we want to know why.

Why was this responsibility for water testing at Minto mine taken away from the Department of Environment?

**Hon. Ms. Taylor:** Thanks to the member opposite. I will in fact take this question.

As Minister of Environment and certainly as a member of Yukon government, we very much recognize the very importance of Yukon's water resources and the very important role that the Department of Environment and all departments play in terms of water-quality standards, monitoring and enforcement. As has already been articulated by the minister responsible for Energy, Mines and Resources, the Premier and myself, departments do frequently collaborate on environmental enforcement activities.

In this particular case, Energy, Mines and Resources inspectors have been appointed as water inspectors to help enforce the *Waters Act*. They are also designated inspectors under numerous other acts. This is very much part of an integrated approach, meaning that the client has a single point of contact. For compliance questions, it helps to ensure that there are consistent enforcement responses on projects that are shared between the two permits as well.

We very much enjoy and appreciate the good work of all respective independent enforcers within the respective departments and we will continue to enforce the many statutes we do have.

**Mr. Fairclough:** Energy, Mines and Resources only do water monitoring for Minto mine. All other mines are monitored by Water Resources. This project was singled out for some reason and Yukoners want to know why. They would like to hear from the minister on this issue.

The change in responsibility was done in an MOU involving two departments. This is a big change in responsibility and it's something that would have been decided not at the departmental level — it's political.

Was this decision made by the Minister of Environment or did the direction come from the corner office?

**Hon. Ms. Taylor:** The memorandum the member opposite refers to has been in place since 2007, I might add. It's not about an abrogation of responsibilities but rather about an integrated approach, where the client — in this particular situation, the Minto mine — is a single point of contact, ensuring consistent enforcement responses on project aspects that are shared between the two permits. When I talk about the permits, we talk about the quartz mining licence, we talk about permits as per the *Waters Act*.

Again, we are very much committed to quality enforcement, quality of water standards and monitoring. I would think that inspectors housed with Energy, Mines and Resources are to be commended for the good work they do, just as inspectors within the Department of Environment do their good work.

Mr. Speaker, I'll just add, as well, that they have also taken a number of measures in collaboration with the Department of Environment, working very closely with the Department of Environment, ensuring they take full advantage of expertise afforded throughout all respective departments.

**Question re: Whitehorse Correctional Centre security and safety**

**Mr. Elias:** Concerned staff and inmates have brought more of their concerns to my attention about the conditions at the Whitehorse Correctional Centre. Last October, there was an incident involving three guards and three inmates, resulting in one officer spending a couple of nights in the hospital with a broken leg and a broken nose and inmates put into isolation for what they felt was no good reason, because of a suspected H1N1 outbreak.

On November 23, another corrections officer had his nose broken in an incident with an inmate, and we all know about the serious incidents last Thursday, when staff and inmates were endangered at the Whitehorse Correctional Centre by fire and violence. On that occasion, both inmates and guards ended up in the hospital. Is the minister aware of these serious incidents, and what action has she taken to address them?

**Hon. Ms. Horne:** I will not comment on individual cases. As I said, we have extensive training at Whitehorse Correctional Centre that protects the guards and the inmates. This is one of the reasons we're putting in a new Whitehorse Correctional Centre.

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

**Hon. Ms. Horne:** Yes, indeed. We take the incidents like this very seriously. We don't plan on fires to — we have the plans in place to put out the fires and take care of emergencies such as this. I am pleased to report that right now we are training the guards at the new Whitehorse Correctional Centre in the system of guarding the inmates. We are going into the generation 3 type of observation of the inmates, and it is working very well. We will not be just sitting outside the rooms looking at the inmates; we are integrating with them. We see what they are doing and we interact with them. I am very pleased with what the guards are doing at Whitehorse Correctional Centre and the training for the guards.

**Mr. Elias:** Well, it sounds like the minister is unaware of these serious issues, and I am a bit upset that she finds them funny. Over the last couple of months, several inmates and guards at the Whitehorse Correctional Centre have made visits to the hospital for serious injuries. These are our fellow Yukoners. Lack of up-to-date contingency plans and training for major occurrences at the Whitehorse Correctional Centre and the women's unit, like power outages, H1N1 outbreaks, floods, or fires like last week, put people at risk.

I have been advised that during the fire last week at the WCC there were no respirators on-site to protect the staff and inmates from smoke inhalation. Earlier this week the minister

said, "...our staff is well-trained in protecting themselves and the inmates." Part of the solution for the minister is to provide an adequate investment into staffing and training programs. Will she do just that?

**Hon. Ms. Horne:** Mr. Speaker, I just went through what we're doing for the guards and the inmates. I don't know how much further I can elaborate on this. I'm very satisfied. I'm well aware of what happens at WCC. I know with confidence that all these situations are covered; all the remedies are in place and being carried out.

**Mr. Elias:** Mr. Speaker, these are Yukoners we're talking about here. When respect, dignity, safety and a lack of consistency are compromised by the system, that spells trouble and it breeds frustration among the staff and inmates at the Whitehorse Correctional Centre. On the Department of Justice website, the first objective listed for the Whitehorse Correctional Centre is to provide a safe and secure environment for staff and inmates. Even some of the staff feel that they are inadequately trained to deal with the multitude of situations that they're faced with up there. The frustration level is high and the morale is low, Mr. Speaker.

I've said this before and I'll say it again: a correctional centre is not a place to cut corners. When is the Justice minister going to do something to ensure no more Yukoners get hurt at the Whitehorse Correctional Centre?

**Hon. Ms. Horne:** Mr. Speaker, what can I say? We are training the staff in order to move into a different type of supervision for the inmates. We are not building a box; we are building a facility in which we can integrate with the inmates and we can watch them. As far as I know, the staff is very happy at Whitehorse Correctional Centre. They are having extensive training, which has been ongoing for the last several months. By the time we move into our new facility they will be absolutely well-trained.

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

Motions other than government motions.

## ORDERS OF THE DAY

### GOVERNMENT PRIVATE MEMBERS' BUSINESS

### MOTIONS OTHER THAN GOVERNMENT MOTIONS

#### Motion No. 836

**Clerk:** Motion No. 836, standing in the name of Mr. Nordick.

**Speaker:** It is moved by the Member for Klondike THAT this House urges the Government of Yukon to introduce amendments to the *Motor Vehicles Act* to prohibit the use of hand-held cellphones and other similar electronic devices while driving or operating a motor vehicle on a highway, except as provided for by law.

**Mr. Nordick:** Mr. Speaker, it gives me great pleasure today to rise to debate this motion. I'd like to start today by acknowledging that this week is National Safe Driving Week.

In case members have not noticed, the theme for today from this government is, "Safety of Yukoners first."

Today we started with the Minister of Highways and Public Works' tribute to National Safe Driving Week, and now we will debate a motion dealing with safe driving practices. The second motion today that we'll be dealing with later will be in regard to the safety of Yukoners within road corridors throughout the Yukon.

With this first motion, it is obvious to all that distractions while driving are a major concern to everyone. Hand-held cellphones and other similar electronic devices may create a situation where the driver of a vehicle, if they're using such a device, could be putting fellow citizens' health at risk — not only themselves, but passengers and other unsuspecting citizens.

This issue has been raised around the world, and in many countries, cellphone use is banned while driving a vehicle. Provinces and territories are moving in this direction.

One of the issues that needs to be considered, which is captured in the motion by including the phrase "except as provided for by law", are the drivers that need to use these devices for their day-to-day work. We can all give examples that should be exempt by law, like professional commercial drivers using VHF radios, police, ambulance or other emergency responders, and road construction and maintenance crews. Mr. Speaker, careful consideration will need to be given to this.

Mr. Speaker, you may ask: what would the next steps be? One of the next steps needs to be public consultation on these proposed amendments. We as government always listen to Yukoners, and we will also do this on this issue.

In closing, this debate today will increase the discussions in the Yukon on safety and how distractions while driving can cause harm. We all know that by bringing this motion to the floor of this Assembly and debating it today, it will encourage discussions among family members and encourage discussions throughout the Yukon among all ranges of ages. So if bringing this motion to the floor of this Assembly and debating it today increases public awareness of this safety issue and possibly contributes to preventing accidents and injury to an individual, it will already have served its purpose.

I thank you, Mr. Speaker, and I thank all members for supporting this motion.

**Mr. Elias:** I, too, would like to rise to speak to this motion today. I thank the Member for Klondike for bringing this motion forward. I believe it was on the first day of this legislative sitting that we both put forward similar motions.

Just to give Yukoners a brief history, I did put forward some press releases earlier this summer and wrote some letters to the Minister of Highways and Public Works with regard to what I felt were Yukoners' concerns with regard to distracted driving in our territory. As we speak, Yukoners do continue to be subjected to the dangers of distracted driving on our roadways. It's a step in the right direction when the Member for Klondike recognizes the importance and the dangers of distracted driving on our Yukon roadways, as do many jurisdictions — 50 countries around the world as well as many provinces within our country of Canada. I think the research is con-

clusive and has adequately demonstrated that driving while distracted is a leading cause of vehicle accidents. Texting while driving is a major distraction, and it is actually 23 times more dangerous than actually talking on a cellphone. Texting is incredibly dangerous.

In his tribute this afternoon, the Minister of Highways and Public Works said, "We are aware of the risks of impaired driving." Absolutely. The studies I have looked at throughout the spring and summer months have convinced me that this is a major public safety issue. With regard to the level of technology that is coming to our territory soon with regard to iPhones and other hand-held devices, it's basically putting mini-computers in the hands of our citizens. I guess the issue to me is not necessarily the cellphones or hands-free devices — the problem is with the concentration when driving a motor vehicle on public highways. Just to be clear, this is about using a cellphone or other hand-held devices while driving — not to be mistaken with using a cellphone in your car while parked or a passenger making a call while the vehicle is in motion. It's about the drivers using the hand-held devices and cellphones while driving. The reality of our circumstances is that we cannot legislate that drivers concentrate on driving. Other distractions like drinking coffee or listening to music or taking a bite of a sandwich or having a conversation with a passenger are not in the same calibre or league as using a hand-held communication device to talk, text, type or dial while operating a motor vehicle on Yukon highways.

This is a very high-risk behaviour. Again, I just hope that the Yukon is not the last jurisdiction in our country to address this very important public safety issue because in my research the casualties are mounting across this country when it is found that a driver of a motor vehicle gets into a collision because they were using a hand-held cellphone or other device. It is our responsibility as legislators to go to the public, talk to the public and consult the public, and I think this issue warrants an in-depth public discussion because there are a lot of views and concerns out in the Yukon public about this issue.

I guess I'll put on the floor of the House today, Mr. Speaker, that I'm still in the transition of not answering my cellphone when I see that my children are phoning me while I am driving. I'm probably about 85 to 95 percent there changing my behaviour to pull over. If I have to make a call, I simply pull over or try to find a place to pull over. Admittedly, I do this myself from time to time, but I've changed. I never text. My problem is answering the phone when I see it's my children phoning me. But I'm 95 percent there in changing my behaviour; I'll be honest about that.

I think it's good to see the Yukon Party government putting a motion on the floor of the House like this because earlier on in the summer, letters from the Minister of Highways and Public Works — and I'll quote from the letter. It says, "While upcoming amendments of this nature to the *Motor Vehicles Act* are not currently being considered, we remain committed to improving this legislation for all stakeholders in the future." That letter was signed by the Minister of Highways and Public Works on July 20, 2009.

Then it was brought to my attention the very next day, signed by the Minister of Community Services — and I quote again from a different letter, “The concerns you have raised will be considered as part of the review and improvement of our public safety laws.” So, on July 20, 2009, there was a different perspective from the Minister of Highways and Public Works and, on the very next day, on July 21, there seems to have been a complete change of opinion. What happened over those 24 hours, I don’t know. Those are the letters in response to Yukoners I’ve been made aware of.

I’d like to speak to the idea of the legislation on the mandatory use of seat belts while driving, as a comparison. It was a good example of government intervention for the safety of the travelling public — the mandatory use of seat belts. Using a seat belt on a voluntary basis was unsuccessful, in spite of the proof that seat belts dramatically reduce injuries and can save people’s lives. A simple and effective safety device like a seat belt should be a no-brainer, but it doesn’t always go that way.

After many years of public education, enforcement, and promotion, mandatory seat belt use is now generally accepted as an effective insurance policy, so to speak, against serious injury and possible death in the event of an accident. Wearing a seat belt is, in essence, a safety precaution, and it’s unfortunate that governments had to actually legislate its use. Having done so, in spite of public resistance at the time, we can look back and say, “Man, that’s a very good initiative and foresight of legislators way back when and it has saved many lives.”

Avoiding the use of a cellphone while driving is the same thing — it’s a safety precaution. It dramatically improves the chances that a driver will be able to adequately respond to unexpected circumstances because they are not otherwise distracted. Countries around the world have recognized the safety implications of distracted driving — Australia, Brazil, China, Egypt, France, Hungary, Italy, Japan, Kenya, Mexico, Norway, the Philippines, Portugal, Russia, South Africa, Sweden, Turkey, United Kingdom and Zimbabwe, just to name a few of the countries that have already banned cellphone use while driving.

Canada has been slow compared to other countries when it comes to implementing a safety standard. As I said earlier, I don’t want the Yukon to be the last jurisdiction in Canada to protect its citizens in this way. I don’t want any Yukoners to be added to the casualty statistics because our public government failed to respond responsibly to the issue.

I am in support of this motion. In response to the Member for Klondike’s comments with regard to public consultation, my motion that I put forward on the floor of the House recognizes the importance of this issue as a public safety issue. But my motion also recognizes the importance of public consultation. Maybe it’s intrinsic but I didn’t see that represented in the motion on the floor of the House today.

I do support this motion and it’s good to see that the Yukon Party has changed its course and opinion on this over the few months. I believe once Yukoners have provided their voice to this debate, it will be a no-brainer. It will be the responsible thing to do.

Again, during my discussions throughout the Yukon, in rural communities and in our capital city, people have come to

me and submitted their testimony about their close calls or their relatives in other jurisdictions, around the States or our country of Canada. Some of them were pretty sad because there were fatalities as part of those stories. The more we can make our Yukon highways a safe place to drive, the better. I look forward to listening to what other members say with regard to this.

I’ve been working on this throughout the summer, talking to Yukoners and, in my opinion, when the public consultation is complete, Yukoners will be in favour of amending the *Motor Vehicles Act* to prohibit the use of hand-held cellphones and other similar electronic devices while driving or operating a motor vehicle on a Yukon highway, except as provided for by law.

Again, I support this motion and look forward to hearing what other members have to say. Thank you, Mr. Speaker.

**Hon. Mr. Lang:** I stand in support of this motion put forward by the Member for Klondike, Motion No. 836, that this House urges the Government of Yukon to introduce amendments to the *Motor Vehicles Act* to prohibit the use of hand-held cellphones and other similar electronic devices while driving or operating a motor vehicle on a highway, except as provided for by law. I think this is an important and timely time to bring this forward as we move forward in the technical world we find ourselves in today.

This government has been actively developing strategies that will help reduce vehicle accidents, including looking at the issue involving distracted driving, which is important. Distraction is due to a diversion of attention from driving, because the driver has temporarily focused on an object, a person, a task or event not related to driving, which reduces the driver’s awareness, decision-making and performance, leading to an increased risk of near-crashes or crashes.

To address the issue of distracted driving, we need to understand that there isn’t one simple solution. No single law, education or awareness campaign or product standard will on its own eliminate or even substantially reduce the cause of or the crashes resulting from distracted driving. The problem requires us to consider all three of the basic traffic safety counter-measure areas. The roadway environment — in other words, where are we driving and what are the road conditions? The vehicle we’re driving — it’s very important to understand the vehicle and the limitations of that vehicle and of course your own qualifications as a driver. Effective strategies to reduce the causes or risks of distracted driving will require an understanding of relationships between these three basic areas.

The cause of distracted driving is the result of some bad habits we have developed and have come to accept over time in our busy day-to-day lives.

In 2006, the report from the International Conference on Distracted Driving indicates driver distractions include some familiar activities we may have not considered as unsafe driving practices before, such as — these are figures, Mr. Speaker, that are interesting — 81 percent of drivers admit they talk to passengers, in other words carrying on conversations that could distract them from what they’re supposed to be doing. They’re supposed to be safely driving the vehicle.

Sixty-six percent change radio stations or CDs. These are second-nature things. We all do it. We're driving and we decide we're going to put a new CD in or we do these kinds of things. Forty-nine percent eat or drink while they're driving — this again is a distraction. Twenty-six percent make or receive cellphone calls. That again is what we're talking about today. Twenty-four percent are dealing with kid issues while they're driving their vehicle. In other words, they're talking or being distracted by youth in their vehicles. Twelve percent are reading a map, finding out where they're going — all these issues. Eight percent admit to performing personal grooming, whatever that is. Okay, so if you add all that up in the form of distractions, these can cause harm in many ways. It's not just the cellphone and the Blackberries or whatever distraction — people have to be aware of what they're doing while they're driving.

The member opposite was talking about the seat belt issue that was a huge conversation in the Yukon for many, many years on whether or not we should have, by legislation, a law in place to make it against the law not to wear a seat belt.

Well, we changed the law and today we all wear seat belts. The average person wouldn't get into a car without putting on a seat belt. You don't feel comfortable without the seat belt. The first thing you do on an airplane — you weren't told to do it — you put your seat belt on. We put a helmet on when we get on a motorcycle or we put a helmet on when riding a bicycle. Those are all safety things that, over time, became part of our society, part of what we do as a community.

Now the government will review and consider amending motor vehicle legislation, but perhaps more importantly and more immediately — what are we going to do immediately? We'll be ensuring that Yukoners are more informed about distracted driving and have a better understanding of how their actions behind the wheel are the key contributors to road safety. In other words, we're going to put an information package out there — an advertising package — to make motorists more aware of their surroundings and their obligations while they're in control of a motor vehicle. It is important to fully understand that different forms of driver distraction and impaired driving are all serious, contributing factors in vehicle accidents. It is important to remind ourselves that being a responsible driver means you are responsible, not only for your own life, but for the lives of others. In other words, we have a responsibility to our neighbours. Invariably, these distractions, when we are in an incident, involve other people.

For all of these reasons, government is examining a wide range of communication tools to raise public awareness about preventing crashes and injuries. That, again, is part of the information package the department is going out with. It is important for us all to be aware that the number one contributor to safe driving continues to be our own — I remind members — our own behaviour behind the wheel. I listed the distractions; there are many distractions.

A responsible driver will allow adequate travel time; is always prepared; will drive according to weather conditions; will obey the laws of the road; will pay full attention when they are driving; will avoid distracting activities, such as talking or tex-

ting on their cellphone; and will plan ahead to get home safely. In other words, we as citizens of our community all have to be aware of our responsibility when driving.

Cellphones and texting are part of everyday life today. I know that other jurisdictions across Canada and in North America are putting laws in place, so that people are not doing these things while they are driving.

While we may consider legislation prohibiting use of cellphones and other electronic communication devices while driving, we must not forget that we bear direct responsibility for our actions and must lead by example for our children and loved ones. In other words, the cellphone issue — you know putting legislation together to manage that issue — we also have a responsibility for our actions for our children and loved ones because it all impacts on our whole family. If we all practise safer driving habits, we all will have done our part in reducing accidents due to distracted driving.

In closing, Mr. Speaker, I look forward to the debate this afternoon. I have been approached by individuals who feel urgency to put something in place for distracted driving so the police, or the enforcement arm, have the tools in place to do the job if it is proven that individuals are being distracted or doing something that is inappropriate on the highway that could cause harm, whether it is cellphone use, texting or other distractions. I think it is important that we do this, understanding that all the legislation in the world is not going to stop people from using a cellphone or texting or doing something distracting, but I say to you, Mr. Speaker, that the enforcement arm of government has to have the tools in place to be able to penalize — or bring to attention — these bad driving habits.

We have to be very aware. I think people take driving a motorized vehicle for granted. They get in and they drive it without thinking. To me, that's a very dangerous driver. We should all be aware of what we're driving; remember, our vehicles now are more powerful. The modern vehicle is a weapon in the wrong hands, and we all have to do our part, as citizens of our community, to make sure we're not distracted while we're driving and that we're driving responsibly. "Responsibly" means that we understand what we're driving and we're driving with our full attention on what we're doing.

I look around our community and I see accidents; I drive by an accident and think, how did that accident happen? Somebody was distracted. Somebody wasn't paying attention. Somebody was driving inappropriately. These were all caused by people — not by the vehicle. They were caused by individuals who weren't responsible while they were driving.

Now there are many reasons why you're not being responsible. Cellphone and texting are a no-brainer. We all know what distraction that is when you're texting from your vehicle at 90 kilometres an hour. That is not a responsible thing to do at any time of the year. Cellphones are a distraction even if they ring in your vehicle, because human nature dictates that you are distracted when you look down, and the first thing you do is pick it up and see who's phoning you.

I feel it is a timely time to put the legislation in place, but I remind every Yukoner and everyone in this House that we all have a responsibility to work with our community in a safer

way when we're driving our vehicles. I remind you, Mr. Speaker, vehicles are very important for the average family. We all need vehicles; we have to get around. We understand that, but let's be more responsible when we are behind the wheel, responsible for a vehicle — and by the way, remember we're responsible for the lives of not only the people we have in our vehicle, but the people who are driving on the highway. I look forward to the debate this afternoon.

**Mr. Inverarity:** I think I would like to start this afternoon by thanking the Member for Klondike for putting forth his motion, No. 836. I think it is a timely time, if I may paraphrase or quote another member in the House. We have opened up the discussion and the debate around the use of cellphones and other similar electronic devices. I think some of the main issues around the use of distracting devices in vehicles have been covered here a fair bit this afternoon; however, it might be good to focus on some of the other aspects around cellphone use and the use of other electronic devices within the vehicle. I am going to turn my focus a little bit away from the issue of them being physically distracting and look at some of the technology that we are dealing with this afternoon and, in fact, how we can perhaps overcome that and how the legislation, if it is brought forward, can address some of these issues.

I think it's fair to say, as we get into the use of cellphones — I own a cellphone; every member in the House here probably has a cellphone — they come in different forms and different types. I would have to say that even the concept of driving down the highway and checking voicemail is a distracting operation — I tried it once, and once was enough for me to know that the use of the cellphone as a hand-held device for doing that kind of thing was something that should not be done while you're operating any kind of a motor vehicle.

The Member for Klondike did bring up an interesting point in his discussion, and it was the discussion about what exceptions we might use around cellphones and other electronic devices. In thinking about what the member had to say, it occurred to me that there are actually two sorts of categories I would look at with regard to electronic devices — cellphones, and in that grouping I would include things like CD players or iPods or music devices that require a significant amount of use.

The other one I'm going to talk about are push-to-talk devices, or PTT devices. These are primarily used by police, for example, emergency response vehicle personnel and firefighters. If we were to expand this — pilots, for example, use push-to-talk devices in their aircraft, ham radio operators, who are responding to emergencies or in the general course of the day, use push-to-talk devices. Really, the difference between a hand-held mobile device and what I will call a "push-to-talk device" is in the actual technology and how it is being used. For example, if you have an MDMRS radio in your vehicle, as a lot of government employees have right now, those are primarily a push-to-talk device. They do have the ability to connect to a phone, but it's a rather cumbersome process. I would say virtually anybody using an MDMRS system wanting to access the network from a phone point of view, would physi-

cally have to pull over to the side of the road in order to key in those kinds of tones that give network access.

On the other hand, a cellphone, just by its simple nature, is something that you plug into your ear and has both the listening and the talking device up next to your head. As a result, it adds another whole complexity to the issue of trying to keep the driver from being distracted on the road.

Whereas the push-to-talk devices, as we know, have a built-in speaker; they're usually under the dash somewhere, and they're used for a quick-response type of action.

I know a lot of us go back to the — let's say the CB radio days, and they fall into that classification, too, because they were a push-to-talk device and still are to this today. They are not operated by voice recognition, which I'll talk about in a few minutes.

But with these devices, there is usually a microphone that is hung on the dashboard, they are picked up for time periods of short duration — you are communicating your whereabouts and this sort of thing — and require less activity than trying to use a device where you're actually dialing, in these days, somewhere in the neighbourhood of 10 digits and sometimes longer. If you're trying to access voicemail, for example, that requires another seven to 10 digits. These are highly distracting devices.

I think it's warranted, as we get into this debate about other electronic devices, that we look at the big picture revolving around all of these electronic devices. As I say, I was driving down the street the other day and was just about run off the road by an individual who started moving into my lane. I looked, and sure enough there was a hand-held device plugged into their ear.

I've been a ham radio operator for 15 years or so. I would have to say, when was the last time we heard of an accident that was caused by someone using what I would call a push-to-talk device? I'm not saying they haven't happened — they probably have — but in my recollection, the individuals who are using these primary push-to-talk devices are trained individuals — as I say, usually in emergency response vehicles — or individuals like EMS, police, firemen, and I've indicated ham radio operators as one group that falls into that emergency preparedness group, because that's one of their primary functions in the world.

We need to take them and put them into a separate "look and see and talk and discuss" as to where we are with regard to them.

In fairness, if you look at the legislation that's in Quebec and the legislation in Ontario, they've taken two different approaches in how to deal with this group of individuals. In Ontario, they brought in a two-year phased-in approach whereby anybody using push-to-talk devices has to move to hands-free voice-activated type devices; whereas, in Quebec — if my memory serves me correctly — they don't.

They've taken the emergency preparedness individuals and left them out of the legislation at the time, trying to identify that the primary issue here is people who are driving down the road trying to text, send e-mails, receive e-mails, with the phone ringing and trying to be distracted through those types of

devices. What I'm suggesting here — and as the Member for Klondike has indicated — we need to open up the debate on this particular issue so that we can find the best medium in which to deal with both of these issues.

Now I noticed that in the actual motion we talk about hand-held cellphones as a group and I'm wondering how we approach the issue of making them hands-free and whether or not those should be included or excluded from the debate. I know, for example, my cellphone is in fact a hand-held device, but it could be plugged in on the dashboard and I could hook up a Bluetooth enabling device to it, which would allow me to talk and converse with people — answer the phone, for example — and use voice activation to dial phone numbers if they are pre-stored or pre-recorded.

But I'm not sure if it goes far enough to just keep it to hand-held devices. I think we need to go out and talk to the public, as the Member for Klondike has suggested, to see whether or not these — as I said, Bluetooth or voice-activated devices — will in fact meet the criteria for making sure we don't have distracted drivers on the road.

Some of the members know that my background has been in technology over the years. I can remember in the early 1990s thinking that by the year 2010, we would probably be using our phones a lot differently than we were in 1990. In fact, I thought we would be using our computers a lot differently. I thought we would be further along in terms of voice recognition. To me, the biggest surprise that I've seen over this whole thing is that the industry that's actually driving voice-recognition technology isn't the computer industry — it's actually the automotive industry. Things with our cellphone use and certainly GPSs within the vehicle are all now voice-activated and coming along.

Interfacing with our computers and different types of technology are becoming more and more prevalent. I'm not sure if the goal of 2010 that I first saw would be there or not, but we're certainly well on the way of achieving that.

I would like to say that the cellphones are an issue we need to talk about some more, as I've indicated, but as I look back at the push-to-talk devices that we talk about, these are expensive pieces of equipment. They're not generally subsidized by telephone companies, for example. I know from an amateur-radio point of view, the technology from a voice-recognition point of view is still not there. In fact, I'm not sure if one of the members can answer the question for me, but the new MRS system that's going in will allow individuals — government employees — if it's going to be a push-to-talk system or a voice- or Bluetooth-activated device in vehicles, or how that interface will be. I'd be curious to see how that works.

We need to look at how we address the issue of emergency response vehicles and the like as part of this whole equation.

I was going to talk about a couple of the emergency issues that I have been involved in when using emergency radios and emergency equipment over the years. The first that came to mind was at the Marsh Lake area when we were having a summer beach party for employees at one of the cabins down there. I won't get into names and things like that, but there were two or three Sea-Doos that were playing around and one

of them came in and hit a young lad on the beach — came literally almost up on the beach and knocked him over. We thought at first that maybe he had broken his neck.

It was in the early day of cellphones, but in this particular area they didn't work that day. It was either in a shadow or it wasn't functioning. I had ham radio equipment in my camper, and I was able to get hold of an individual in Whitehorse who called the emergency preparedness people and they sent an ambulance out. While the ambulance was coming down, I was able to drive this individual, this young lad, on the road to Whitehorse. Through this triangle — me talking through amateur radio and them talking to the emergency preparedness people on their radio, we were able to meet at the Yukon River bridge and hand off this injured individual, this young lad, and shorten the time it took for that individual to get to the hospital.

I can cite two or three others. When I think about even my history with an amateur radio and the number of times we've used this for search and rescue, two other incidents come to mind. One was an ATV rollover in the back country, where we had to dispatch the individual — one of the individuals there had a hand-held device and he could reach me, and I was able to get hold of someone in Whitehorse to dispatch a helicopter to rescue this individual who had rolled over.

The other incident was a rollover on the Mayo Road, around Ten Mile. It was a drunk driver who was coming in the opposite direction from my wife and I. They were driving up the road, hit the ditch, came across, went back across the road, rolled over into the ditch, and we were there first on the scene. In fact, we were almost part of the accident, if it weren't for emergency preparedness. I was able to get on my amateur radio and call for help and have an ambulance and police dispatched a lot earlier.

But it's not just all about that. Those types of things do happen, and certainly the case for us is to be talking about how we deal with the cellphone versus the push-to-talk type of technology that's out there. I would encourage the committee, or whoever is going out to talk about these things, to look seriously at how we address this issue around emergency preparedness.

I know the ham guys out there do a lot of other good works. They do the Klondike Road Relay and they use that and the Kluane to Chilkat International Bike Relay — those types of events — as preparedness for the event of accidents that go on. If you say you could only use your push-to-talk device in a real emergency, it doesn't give the training we've talked about here in the House that people need to have.

I encourage the members to enter into this debate, to talk about the issues that surround cellphone use, other electronic devices — and certainly the cab of a vehicle is becoming more and more electronic — and look at how we can ensure our emergency preparedness individuals have the right equipment and allow them to continue to use some of this older equipment, in some cases, and some of the technology as we move forward. Perhaps a phased-in time might be one suggestion; perhaps saying, if you are — I'm reminded of people who have a little symbol on the back of their vehicle that identifies them as scuba divers, for example.

I myself have ham radio plates that identify that I have a ham radio licence in my vehicle. There are things along those lines. But certainly our highway people require equipment — emergency and police who are often in places where some of the systems don't work and they need to have VHF- and UHF-type radios in their vehicles to communicate far and wide.

In closing, Mr. Speaker, I think it's important that we proceed with more debate on this issue. I would like to again thank the Member for Klondike for bringing this particular issue forward and I look forward to an afternoon of informed debate, because I'm sure there are other opinions that are required to be brought forward. I hope that I have shed a little more light on the broadness and the complexity of this issue.

Thank you, Mr. Speaker.

**Hon. Ms. Horne:** I do support this motion, but I also think we need a full consultation on this matter. As a parent and a grandparent, I'm very concerned about the health and safety of my family and Yukoners. I think we all want to find that balance between the freedom to live our lives as we see fit and the need to take appropriate precautions.

Each of us knows that cellphones are very helpful tools. It is so easy to keep track of loved ones or connect with appointments when we are running late. I know that when I travel so much it is much more convenient for me just to call on my cellphone, rather than stopping beside the road and making a call there. That's my mistake; I have to get used to doing that. I know with my constituents, it's easier for them to get me on my cellphone when I'm travelling so much on the highway, rather than calling my number in Whitehorse or Teslin.

We do find it so helpful to have our cellphones at hand. It is so convenient. I know when we travel, being able to call someone for directions, or their office or home, is also handy. Being able to arrange to meet someone at a moment's notice is also very convenient. Cellphones are convenient, but cellphones can also be very dangerous. I think each of us is aware of situations where people have been distracted and ended up making dangerous and deadly decisions. I did a search on the Internet for news stories about the use of cellphones while driving.

The results were very disturbing. One story I read about a new law in North Carolina banning cellphone use while driving reported that 2,600 people have died in cellphone-texting related crashes, and drivers who use cellphones while driving have the same deficient motor skills as people with a 0.08 per cent blood-alcohol content. That is very, very disturbing.

This story also noted that, nationally, drivers who use mobile phones while driving were four times more likely to crash than those not, a rate equal to that for drunk driving. The City of Philadelphia also introduced a ban on using cellphones while driving that went into effect yesterday.

In Canada, the use of cellphones is also an issue. I read a CTV story from November 29 about a growing number of companies moving to prevent their drivers from using cellphones while driving, including hands-free cellphones. Employees driving a company vehicle from Steels Industrial Prod-

ucts, for example, can be fired if they are caught using any kind of cellphone or texting device.

Studies show that drivers who talk on cellphones are six times more likely to be involved in dangerous collisions and they are 23 times more likely to have a crash if they're texting and driving. According to the Insurance Bureau of Canada, people who chat on cellphones or text are 10 times more likely to run a stop sign. Similar policies are in force at large companies such as Finning Canada, Husky Energy, Halliburton, ConocoPhillips and smaller firms such as Hole's Greenhouses.

In Alberta, public sector organizations, such as the University of Alberta, the Northern Alberta Institute of Technology and branches of Alberta Health Services, have enacted no-wireless-device driving rules. Of the people interviewed is a doctor, and he said that people are dying every day in this country as a result of people texting and talking on cellphones. According to the story, Finning Canada banned car cellphones for its 3,600 employees in 2007. The number of collisions involving Finning vehicles has dropped drastically since then.

I think the evidence is pretty clear: cellphones and driving are a bad mix.

I do want to mention a couple of areas, though, where I think we need to be careful in our deliberations. In looking at B.C.'s law, they have some exemptions that I think we need to consider. I would like to note a few of them. Section 214.3 states that section 214.2 does not apply to the following persons who use an electronic device while carrying out their powers, duties or functions: a peace officer, a person driving or operating an ambulance as defined in the *Emergency and Health Services Act*, or fire services personnel as defined in the *Fire Services Act*.

There are also other emergency preparedness services, such as ham radio operators, who would also be exempt. I actually had a constituent come up to me and mention that we had to seriously look at the exemptions to the rule. This is one area where we have to be very careful. Likewise, section 214.4 states that section 214.2 does not apply to a person who uses an electronic device while operating a motor vehicle that is safely parked off the roadway or lawfully parked on the roadway and is not impeding traffic; to call or send a message to a police force, fire department, or ambulance service about an emergency; or that is configured and equipped to allow hands-free use in a telephone function, is used in a hands-free manner and is used in accordance with the regulations, if any.

I understand other jurisdictions have similar exemptions. "Let's use common sense" is our goal to make Yukoners safe on the roads. I think this is one way to do it. Let's make technology serve our purposes. I do support this motion, and I look forward to its passage.

Günilschish.

**Mr. McRobb:** I'm pleased to speak to this motion this afternoon. I would like to, first of all, thank the Member for Vuntut Gwitchin for first raising this matter earlier this summer, and I would like to thank the Member for Klondike for following through with this motion today.

I fully understand the reasons for this law. For instance, I saw an accident myself last February while driving on a highway and I'm not sure of the reason, but it simply cannot be explained other than a serious driver distraction at the time. The driver was the sole occupant of the vehicle and I've been meaning to try to find some media reports on that to find the cause, but it's most likely a result of texting while driving.

We've heard other members allude to the dangers of cellphone use and texting while driving. I don't wish to repeat those accounts, but it's something some of us have done and probably every person who has done it has realized how dangerous it can be.

This whole issue of using cellphones or BlackBerries or smartphones while driving is a relatively new issue. It wasn't too many years ago in the Yukon when those digital devices did not exist and there were no communications infrastructure in place to allow them to even work. These devices are gaining in popularity. There is definitely an upward trend in their usage within our society and by others who come to the territory.

Previously in this House I referenced a tourism survey — I believe it was done in 2004 — and the top three concerns out of 11 were that the territory needs cellphone infrastructure. That's what the report indicated from five years ago. Many tourists who come to the territory do have cellphones or other electronic devices for communication. We know that. So this law is not only needed for Yukoners — it's needed for everyone who drives Yukon highways.

The Justice minister mentioned some statistics. In my notes I had similar statistics, so I won't bother repeating them, but it's quite alarming how the statistics indicate the number of accidents and breaches of our highway laws are due to driver distraction from the use of hand-held devices. I've also heard a statistic how this whole aspect of using digital devices is even more dangerous than impaired driving on our highways.

Just to summarize that aspect, Mr. Speaker, again this is an emerging issue. It's a relatively new issue. It's one that previous governments may not have had to deal with because the problem simply didn't exist in the proportions of today.

Some of us watch television and are familiar with the program *Saturday Night Live*. Well, I'd be remiss if I didn't mention a skit that was on a few weeks ago about various driver distractions. The skit was quite humorous, although I don't mean that to diminish the seriousness of this issue. It is definitely a safety issue. But that skit showed drivers in a vehicle dealing with all kinds of different distractions.

Some other members have alluded to what the other distractions are. I heard the Highways and Public Works minister list several of the reasons for driver distractions. But we simply can't make it illegal for people to engage in some of those other distractions. It would be ridiculous to pass a law prohibiting people from eating while driving or talking while driving.

It's also impossible to legislate the requirement for common sense. I think we all understand in here how all drivers need to demonstrate common sense when it comes to driving a vehicle. Certainly this law, as it is envisaged at this point — allowing exceptions — will also depend on drivers demonstrating common sense.

As mentioned, I agree with the intent of this motion, but I feel there is a need for the public to be consulted. The government may have alluded to the need for public consultation, but why is it missing from the text of the motion on the floor today? I heard the Minister of Justice mention this is a matter that should go out to public consultation, but why isn't it part of the motion?

Mr. Speaker, I would suggest that public consultation should be part of this motion so that public consultation doesn't slip between the cracks. Why is public consultation necessary? As we all should realize, this motion, which will undoubtedly lead to a bill — a new law — will affect everyone who travels on our highways. Yukoners therefore deserve a say.

Another reason, Mr. Speaker, is Yukoners may very well propose ways to improve this bill. We heard the Justice minister cite section 214.3 of the law in British Columbia regarding exceptions that are allowable in the province to our south. We also heard the Member for Porter Creek South allude to exceptions that should be allowed in this bill.

I would think that Yukoners deserve a right to have a say, especially with respect to what exceptions should be in the bill, because this is where the bill would get down to the nitty-gritty and affect their daily lives. I've heard — as I've said before in this House — a lot of people within my constituency have told me and made it very clear that they're becoming fed up with their rights and privileges being reduced, especially without their say, and they want an opportunity to be heard.

*Amendment proposed*

**Mr. McRobb:** For that reason alone, Mr. Speaker, I find it necessary to propose an amendment — a friendly amendment — to this motion. I move

THAT Motion No. 836 be amended by, immediately after the words "THAT this House urges the Government of Yukon to" deleting the word "introduce" and replacing it with the following: "consult with Yukoners before introducing".

**Speaker:** The motion is in order. It has been moved by the Hon. Member for Kluane

THAT Motion No. 836 be amended by, immediately after the words "THAT this House urges the Government of Yukon to", deleting the word "introduce" and replacing it with the following: "consult with Yukoners before introducing".

**Mr. McRobb:** As mentioned, this is a friendly amendment. I believe it improves the motion on the floor this afternoon. It would make it a part of the motion formally and not merely a side promise that could simply fall between the cracks. It allows Yukoners the opportunity to learn more about this law that will affect them. It also provides Yukoners the opportunity to be heard, and that is very important, Mr. Speaker.

I've already suggested the one area that could be of most interest to Yukoners — defining the exceptions to this law. The Yukon is a unique place in all of North America, if not the world. We've heard it mentioned in several other discussions, and these are the main points of what makes the Yukon unique that are pertinent to this motion and the subsequent law are.

The Yukon has a very large land mass or geography. The Yukon has a large, extensive highway system. Many of those roads are secondary roads, or even some that fall in the category of un-maintained roads. The Yukon has a low population, given its size.

As a matter of fact, Mr. Speaker, the Yukon's population is approximately 32,000. That's pretty well the same number we heard in yesterday's news when President Obama committed to send another 30,000 troops to Afghanistan. That number in real terms in the Yukon is essentially the entire population of the Yukon. We're a small population living in a territory with a large land mass. Some of these factors make the Yukon unique.

I mentioned secondary roads, some roads that aren't even maintained by the government. Well, just how far does the definition of "highways" identified in this motion go? Does it include secondary roads? Does it include roads within municipalities across the territory? Does it include back roads in the Yukon? Does it include roads to placer mines? Does it include winter roads? These are some of the questions that are not defined in the motion and to this point in the discussion have not been defined by any member, including the member who moved the motion. These are all matters that would not only be of concern to Yukoners, but of interest to Yukoners, which could very well generate good feedback from those Yukoners, which would be helpful in constructing the best bill possible under the circumstances.

I'm appealing to all members to recognize the virtue presented in this amendment and how it would help strengthen the motion and, before it's too late, make the whole exercise more worthy of the respect and trust of the people we represent.

**Mr. Nordick:** Mr. Speaker, as stated in my opening comments and stated by numerous members on this side with regard to consultation on these amendments — you know Mr. Speaker, it was implicit; it was a given, but if the members want it to be explicitly stated, okay. I'm still dumbfounded as to why he took him 10 minutes while speaking about Afghanistan, when something that's extremely obvious to everybody — of course the government is going to consult on this. We consult on everything.

Thank you, Mr. Speaker.

**Hon. Mr. Lang:** On the amendment, I agree with the Member for Klondike that it is a given that we would have consultation and that we would work with Yukoners on anything we do. The member opposite finds that humorous. Well, that isn't humorous. We will consult with Yukoners on this issue and do our good work, as we were elected to do as the Government of Yukon.

This is a very important issue for some people in the territory. It has been brought forward to me many times — the urgency of moving forward on these amendments — to correct a practice that people see and see the effects of it. So this side of the House takes it very seriously. This motion was brought forward for that reason — to have the discussion here in the House and to move forward with the education package that I laid out this afternoon in my comments on the motion talking

to Yukoners, educating Yukoners and then moving forward next spring with some legislative changes that would put something in place so we can correct some of these distractions that people are practising now on our roads.

Mr. Speaker, I agree with the Member for Klondike. It's a given that we would do exactly what this motion recommends we do. I see no reason for the amendment, but I, as a member here in the House, will agree with the amendment because we were going to do it anyway.

Thank you, Mr. Speaker.

**Mr. Fairclough:** Mr. Speaker, I would also like to speak briefly on the amendment. I believe what has been said by the last few speakers is that this would give an opportunity for government to educate the public on the new rules that will come as a result of this public consultation. I think right now cellphones are pretty new in the communities around the territory — some of the smaller ones.

We have just got the cellphone towers up not too long ago and I think it surprises a lot of people that community people actually are using them. It's being provided to them through their jobs and through their work and it is being used a lot.

Those places that have passed this law and made it a law have recognized a growth in sales of other devices that can make your cellphones hands-free. I think this is an important step that has been identified; let's talk to the public about it a little bit more. It could even go beyond this too, Mr. Speaker.

In Tanzania in Africa — and I was a bit surprised — I know there is a lot of poverty there and a lot of people use bicycles but I was a bit surprised that someone on a bike pulling a load behind them still was able to use a cellphone while riding their bike down the main part of the highway. That too, in itself, could be a safety issue. It's nothing that we really talked about here, but it's being used on our highways. We are talking about a motorized vehicle; we are basically talking about passenger vehicles and those that are working on our roads — trucks and big trucks and so on.

I think the public may offer some new insight into this and perhaps give us some clear direction on this. I also believe that the government is already doing this anyway — taking it out to the public. Why limit it to that by just having this motion? I agree, let's take it to the public. I thank the Member for Klone for bringing this forward.

**Hon. Ms. Horne:** I agree with this amendment. The reason I mentioned it in my speaking notes is because we have a history of carrying out consultations with Yukoners. I cannot quote exactly, but I recollect the Member for Vuntut Gwitchin stating this summer in a newsclip on the radio that we had no need to go out for consultation with Yukoners, that it was a given —

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

#### Point of order

**Speaker:** Hon. Member for Vuntut Gwitchin, on a point of order.

**Mr. Elias:** I'd like to reference section 19(g). I said no such thing.

### Speaker's ruling

**Speaker:** From the Chair's perspective, there is no point of order. This is an issue that happened outside of the House. We have varying opinions on members' statements. That happens all the time. Therefore, there is no point of order.

Minister of Justice, you still have the floor.

**Hon. Ms. Horne:** I support this amended motion. Thank you.

**Mr. Cathers:** I rise in support of this amendment. I think it's important to consider what Yukoners have to say. I also recognize, as members noted, that perhaps in the minds of some, it was clear that consultation would have to occur. Frankly, as a member of the Assembly, I have not heard from very many people on this issue. I have heard from some on both sides of the issue of whether or not to restrict the use of cellphones while driving and if the use of hand-held cellphones should be prohibited while driving a vehicle, but it is not clear to me which way the public feels on this issue.

As a number of members have noted, some of this technology is new and emerging and some of the legislation, I would point out, is quite new. Ontario's legislation just came into effect this fall. I suspect many members of this House have, as I have, driven on the highways in southern Ontario. Those who have will certainly recognize there is a world of difference between driving down the 401 and driving down the Alaska Highway, between driving in downtown Toronto and driving in downtown Whitehorse.

That does not necessarily mean that some of the same rules of the road should not be applied. What I am trying to convey is that there is certainly the argument of a difference and that it is certainly a much more dangerous situation to be talking on a cellphone, or doing anything, while driving down the 401 in bumper-to-bumper traffic, with six or nine lanes going in one direction. I have driven down the 401 in rush hour, and I must say that, for someone who has spent most of their driving time in the Yukon, it was quite the experience to drive in bumper-to-bumper traffic at 120 kilometres an hour down the 401. You see the exit sign a couple of miles ahead but you can't even move over a few lanes to that turning lane by the time you get up there. There is a world of difference between there and here.

Another question related to the effectiveness of this legislation, which should be considered and consulted on with Yukoners before any amendments are put in place, is how well this legislation has worked in other jurisdictions. Ontario's legislation is new. At this point, I've heard from family members there, anecdotally, about them seeing vehicles obviously swerving out of traffic with improper attention to moving toward the side, coming to a complete stop, et cetera, because they were obviously trying to answer their cellphone.

Now, those behaviours under those highway conditions are not directly comparable to here, but I think they are relevant, and we can certainly learn from some of those situations. For the sake of argument, while you're driving down the Mayo Road or the Alaska Highway or Hamilton Boulevard, and somebody swerves to the side and completely pulls off the

highway but is partly in the traffic, they are perhaps causing a greater risk than that same person would have been, talking on their hand-held cellphone. Now, I know some may say, "Well, neither behaviour is acceptable," but the point we should consider if we are attempting to fix a problem, is whether the solution creates a greater problem in the way we implement it. That could potentially lead to situations in the Yukon context where perhaps Yukoners would tell us that in downtown Whitehorse, you should never be driving and talking on your cellphone — maybe even within all the municipal borders in Whitehorse. But it's possible that those within cellphone range on the Mayo Road or the Hot Springs Road or in Destruction Bay might consider that in fact the risk posed by someone who is still maintaining attention to driving is not any greater than — or significantly greater than — the risk posed by other distractions that have been documented through a number of studies such as drinking coffee, eating food or having children in the car. Children are known to be one of the greatest distractions while driving, but certainly I don't think anyone would suggest that children should not be allowed in the vehicle.

There is a point when we simply take things too far. Distractions will not be eliminated, and unless the driver themselves assume responsibility for not putting on lipstick while driving, not reading while driving, not drinking coffee while driving, not combing their hair while driving, et cetera, et cetera.

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

**Mr. Cathers:** I apologize, Mr. Speaker. An off-microphone comment caught me off guard. I feel I should not repeat it, but I thank the member for that humorous interjection.

Mr. Speaker, my point is, in this situation, there certainly is a need for some opportunity for Yukoners to be consulted, to consider what they want and to consider if indeed most Yukoners support the moves that have been made in some other jurisdictions to ban the use of hand-held devices, cellphones and other electronic devices while driving. Should it be applied in the same way? Should it be only applied in areas, as I said, such as downtown Whitehorse or Whitehorse borders where there is a heavier congestion of traffic, or whether in other areas it in fact is not a significant risk when compared to other distractions? Another possible option is that legislation — rather than focusing specifically on cellphone use or electronic devices — could potentially focus on the issue of distracted driving, improper attention to driving, without specifying the reason for that as much, laying out a situation where that would address a broader spectrum of issues.

I could go on examples of distraction or certainly a number of cases. I know that members of this House are aware of examples that have occurred. Other issues include the fact that there are different types of use of a cellphone.

Texting and e-mailing are uses that, personally, I agree should not be occurring behind the wheel. I do feel that there is an argument for suggesting that some people, including myself, who do talk on a cellphone at times while behind the wheel of a vehicle, are not placing themselves or the public at greater risk. Personally, I don't answer my cellphone if I'm driving down-

town in traffic. If the roads are deserted, I might pick up the phone. Otherwise, I simply ignore it and let voicemail take it.

Now, perhaps others apply a similar type of judgement, or perhaps they don't use cellphones at all, or perhaps they talk on cellphones while reading the paper with the other hand and looking out the window. Those are things where obviously, to some extent, there is a level of personal common sense involved.

I can tell by the comments on both sides of the House and the laughter going on in certain areas that there is a desire by others to engage in this debate. I will not belabour the point further, beyond noting that I think this is something we need to ask people about, and I again emphasize the fact that I've heard from a small number of people on both sides of this issue, but it has not been an issue that very many people have come to me about.

That doesn't mean other members may not have experienced a different situation. I think before we implement new legislation that does place some restriction on what people should or can do behind the wheel, we should ask them what they think and consider how far it applies. Does it mean you can no longer use an iPod? If you can't use your iPod any more, does it mean you can't change your radio station or that you can't change a CD? Where is the limit of such legislation?

For the sake of argument, I present the suggestion that perhaps the appropriate way of dealing with some of these things may not be fixating specifically on what devices are or not acceptable, but maybe focusing on the issue of inattention to driving and distracted driving.

**Mr. Elias:** I also stand in support of this amendment to the motion. I would also like to put on the floor that the Member for Klondike seems to think that government consultation is intrinsic in developing amendments to legislation, and so does the Minister of Highways and Public Works. I guess they forgot about the court case, where it says the Yukon Party government is in court with regard to accommodation and consultation. I guess it is not a given and it is not intrinsic in developing legislation. So, I would like to put that on the floor, and I would also like to correct the record with the Member for Pelly-Nisutlin.

As she knows full well, I also put a motion similar to the Member for Klondike with similar content on the same day, only seconds after the Member for Klondike rose to put this motion forward. My motion included public consultation because, in my discussions with Yukoners, I think consultation warrants in-depth public discussion. In that, talking to some of my colleagues, fellow legislators in Nova Scotia, Newfoundland and Ontario, public consultation was important for the development of regulations and education programs and the implementation of changes with regard to using cellphones and other hand-held devices while driving on a public roadway. For instance, there were grace periods in Quebec.

There were grace periods in Quebec as a result of public consultation. In Nova Scotia, they came up with penalties with regard to drivers. First offence penalties were tickets from \$165, and the second and third offences cost drivers \$220 to

\$335, respectively. Those came from public consultation, so public consultation is important. I support this motion.

The Member for Pelly-Nisutlin suggested I didn't support going to the Yukon public on this. That's maybe a bit of a mistake in a media report — I don't know, but that wasn't my suggestion.

I could have been paraphrased incorrectly in a media report; those things happen from time to time, but I do support this amendment to the motion. I think something like this warrants public discussion, as I've heard from many of the members in the House today.

Thank you, Mr. Speaker.

**Hon. Mr. Kenyon:** I just want to add a couple of things in here and my concern on this. First of all, when the Member for Vuntut Gwitchin refers to the court case, I would suggest that he read it because we won. The Yukon government won that case, so he obviously is a little out of date on that. I was actually quite happy to hear some of the comments from the floor opposite on the general motion.

In general, the Member for Porter Creek South had some very good points and much of that included consultation. Certainly, we've always intended on this side to have consultation as a process of that. Actually, the Member for Kluane had some very good points for including consultation.

I'll certainly support the amendment, but I have to admit my concern at first is why this has to be explicitly put in as an amendment, especially in light of his previous statements — and I quote, "No doubt you've heard of 'our way or the highway.' I used to think that was the Liberal way because of their arrogance and heavy-handedness, and they know better than anybody else. They do not want to consult." That's a direct quote from the Member for Kluane's words in *Hansard*, October 30, 2000.

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

#### Point of order

**Speaker:** Member for Kluane, on a point of order.

**Mr. McRobb:** On a point of order, Mr. Speaker. This is a two-part point of order. I believe in the past you have ruled out the term "heavy-handedness" and, on the second part, a member can't do indirectly what he can't do directly.

**Speaker:** Member for Porter Creek North, on the point of order.

**Hon. Mr. Kenyon:** On the point of order, Mr. Speaker, I don't believe that reading direct quotes from *Hansard* is considered out of order. It may be considered at a later date, but on that date, it was in *Hansard*. It was not ruled out of order. Again, ruling directly from *Hansard* is not a question of being in order — public record.

#### Speaker's ruling

**Speaker:** From the Chair's perspective, there is no point of order. It is simply a dispute among members.

Are you prepared for the question on the amendment?

**Some Hon. Members:** Division.

**Division**

**Speaker:** Division has been called.

*Bells*

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

**Hon. Mr. Fentie:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Kenyon:** Agree.

**Hon. Mr. Rouble:** Agree.

**Hon. Mr. Lang:** Agree.

**Hon. Ms. Horne:** Agree.

**Mr. Edzerza:** Agree.

**Mr. Nordick:** Agree.

**Mr. Mitchell:** Agree.

**Mr. McRobb:** Agree.

**Mr. Elias:** Agree.

**Mr. Fairclough:** Agree.

**Mr. Inverarity:** Agree.

**Mr. Cardiff:** Agree.

**Mr. Cathers:** Agree.

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

**Speaker:** The ayes have it; I declare the amendment carried.

*Amendment to Motion No. 836 agreed to*

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

**Mr. Cardiff:** I recognize the urgency to be brief here. I haven't had an opportunity to speak to this motion yet, but a lot of people have put a lot of information on the record. I do believe this is a public safety issue on our highways and recognize that we in this Legislative Assembly probably all, at one time or another, have been guilty of or have participated in these actions.

I do think, as was mentioned by the Member for Lake Laberge and others, that there are numerous examples of other things that distract drivers. I'm in concurrence with other members of the Legislature that children should be allowed in cars, regardless of whether or not they are a distraction, but there are other things that do distract drivers, and they range from eating food to reading books. There are numerous examples of this, and I think that's a good reason for including the consultation. I'm glad the government has agreed to that and was going to do it anyhow, but I think that it is good that we are making it a little clearer today. There are lots of studies and information that show the dangers of texting or e-mailing while driving, and I believe that, for public safety reasons, we do need to not just bring forward legislation about cellphone use and possibly other distractions, but we need to look at all the options and listen to what some of the stakeholders have to say about this.

I don't know whether this was made available earlier, but there are instances in other jurisdictions where there have been exemptions and, given the vastness of the territory and the fact that cellphone use is not universally available in the territory

yet, we need to look at whether or not other forms of technology should be included in this. The motion is to prohibit the use of hand-held cellphones and other similar electronic devices.

The instance in Manitoba basically cites the fact that in recent years there has been this explosion of personal communication devices. We didn't have these cell phones 10 to 15 years ago, and it was only emergency vehicles, commercial users, like the truck drivers, and CBers and amateur radio operators who were using these mobile communications while operating motor vehicles. Typically, it's a press-to-talk type of technology, where you have a hand-held microphone, and a speaker is located somewhere else, so you're not necessarily holding something up to the side of your head. It's almost like a hands-free technology. So, I think we need to think about that. It is a public safety issue. They do contribute to the safety of the public by operating with emergency measures organizations. Volunteer fire departments have similar technology. I only have one copy of this, but I'll file it with the Clerk. It's a document that was provided to me by a community member who is well-known to members of this Legislative Assembly.

I know that he has participated in exercises like this and they all contribute to public safety. I think that needs to be part of the discussion and part of the consultation.

We will support the motion as amended. We look forward to hearing the views of Yukoners on this and coming up with a piece of legislation that protects Yukoners, but shows balance when taking into consideration some of these other factors.

**Mr. Mitchell:** I'll be pretty brief as well because most of what I would have said I've heard said during the debate this afternoon. I do want to thank the Member for Klondike for bringing this motion forward. I also want to thank the Member for Kluane for bringing forward the amendment and everyone for their support of it to make sure that we do consultations.

I do know that this has been an issue that has been raised within our caucus for quite some time by the Member for Vuntut Gwitchin. I think he was raising it before you could use cellphones in Old Crow, so it has been a long-standing issue for him. I'll add my mea culpa to the record along with the Member for Mount Lorne that I certainly, on more than one occasion, have operated a cellphone while driving. It's a habit I need to get out of, and obviously before long — will be out of.

It has been mentioned that there are different conditions in Yukon and rural-versus-urban Yukon. I've spent a fair bit of time going through the research and the statistics that my colleague for Vuntut Gwitchin continues to forward to me until my e-mail box is full. I haven't seen anything in the statistics that say that rural residents are more proficient at driving while distracted than urban residents or that this is less prevalent as a distraction north of the 60<sup>th</sup> parallel or anything to that effect.

So I do think it's important that we consult with Yukoners so that Yukoners understand why this is important and that we hear the individual situations for Yukoners, as they see it.

I also think it's important that we look at all of these devices. More and more, people are using iPods, mp3 players, GPSs, satellite radio and so forth — and I don't know why any

Yukoner would need to use a GPS in the Yukon. It's pretty hard to get lost, but there are people who are travelling through our territory, particularly in the summer, using our highways, and these devices are prevalent and they might be very likely to be using them. Our northern driving conditions, even in the summer — certainly, when you get off the paved roads — are different from what they're used to down south, and that makes them a danger to themselves, as well as to other people, including Yukoners.

I think this is good that we move forward. I hope that the government can find the resources to effect the consultation in a timely manner. We are already aware of instances where lives have been lost in Yukon due to distracted drivers. I do note that in correspondence that we were made aware of, as recently as this July, the Hon. Minister of Highways and Public Works was indicating to members of the public that the government was not looking toward doing that at this time. I think it's good that the government has been open to reassessing that, based on the work done by the Member for Vuntut Gwitchin and the Member for Klondike, and I wholeheartedly support this as a safety issue.

I thank the members for the opportunity to speak to this, and I will be voting for it, obviously.

**Mr. Cathers:** I think this motion certainly has been improved by the amendment, but I think there is still some work that needs to occur here. The issue, again, is that from my perspective — certainly there is an issue — no one would dispute that cellphone use while driving can cause unacceptable risk. There is, as I noted also, a difference in how different types of people use it: people who exercise the discretion to choose only to answer a cellphone if it rings or use a cellphone when they are not driving downtown, when they are not in the midst of traffic, and use it only if they are out on a fairly free and open section of road where it will not be a significant distraction. They keep their eyes on the road while using some of the devices.

Most members in this House I think have a BlackBerry by now. Many are probably aware that their BlackBerry has a button on it that can be set to dial by voice, that you can instruct it to place a call without ever having to touch the keypad. That does not eliminate all possibility of risk but is a reduction in the amount of risk that occurs, particularly if other judgement is used in when that phone is pulled out.

Another issue with regard to this is the fact that legislation in Canada — there are a few jurisdictions that have made moves in this area, but it is fairly new. One concern I have is the unintended consequences of well-meaning legislation when the effects of it are not known.

As I noted earlier in my remarks on the amendment, I've heard anecdotally from relatives in Ontario talking about very visible disruptions in traffic from people swerving out of the stream of traffic on to the side of the road so they can legally answer their cellphone when it rings. There's also the issue of people in the Yukon doing that perhaps in areas such as the Mayo Road, the Alaska Highway, Hamilton Boulevard, areas where I'm not suggesting it may be ideal for them to answer

the phone while they're in traffic, but if the choice they made alternatively was to veer quickly to the side of the road and be parked halfway into traffic, it might actually create more of a risk to the drivers behind.

I think this is an area that needs to be thought out, that there's value in seeing what unintended and unexpected consequences occur in other jurisdictions before determining legislation being crafted. Firstly, whether it's specific to cellphones and other electronic devices or whether it defines, more broadly, the issues related to distraction while driving — secondly, whether that legislation applies to all highways in the Yukon or is focused on certain areas, such as within municipalities or, potentially, only within the City of Whitehorse.

These are a few things that could be seen from consultation — but again, the effect of legislation in other areas is something we don't really know. One example I would point to of where the Yukon moved forward with legislation based on models in other jurisdictions, and had not fully recognized the consequences that this would result in, was the graduated driver's licence program. There was good intent behind the program, but there were unintended consequences. For example, I received a complaint from a constituent who was in her mid-thirties, had two children, and because she had moved from another jurisdiction where she used public transit and did not have a licence, she had to begin at the start of the graduated driver's licence program, just like anyone else did.

She had six months where she needed that learner period of the licence that requires another driver to be in the vehicle at all times, then the 18-month period of the next stage of the licence, during which she would not be allowed to have more than one person under the age of 18 in the vehicle. She had two kids, but the law prohibited her from having her own children in the vehicle. Again, this was an outcome that changes were made to the graduated driver's licence program. My point is that they had to be made because some of these effects had not been considered.

So accordingly, Mr. Speaker, I am proposing an amendment to the motion.

*Amendment proposed*

**Mr. Cathers:** I move

THAT Motion No. 836 be amended by inserting after the phrase "urges the Government of Yukon to" the following: "evaluate, over the next 12 months, successes and failures of recently implemented legislation in other Canadian jurisdictions, and subsequently"

**Speaker:** The amendment is in order.

It has been moved by the Hon. Member for Lake Laberge THAT Motion No. 836 be amended by inserting after the phrase "urges the Government of Yukon to" the following: "evaluate, over the next 12 months, successes and failures of recently implemented legislation in other Canadian jurisdictions, and subsequently"

On the amendment to the amended motion, Member for Lake Laberge.

**Mr. Cathers:** I noted some of this in my speech on the motion, as amended. I think the key thing to keep in mind — I recognize members are concerned about the safety issues related to this. As I indicated previously, I'm concerned about the reports I've heard from people living in Ontario of the obvious disruption to traffic they are seeing from people clearly pulling off the highway to avoid being caught breaking the law using their cellphone. They're still using the cellphone; they're still engaging in dangerous behaviour in traffic and perhaps engaging in a worse behaviour.

At this point, it's in the very early days of this legislation being in place in Ontario. The question of whether that problem will be something that occurs only in the very early stages of that legislation being implemented and goes away over time, or whether it creates in all situations, or in some situations, a worse consequence than the use of the cellphone in traffic — that's a question I think bears consideration.

Other jurisdictions in the world have moved forward with legislation in this area; however, many of them have done so fairly recently and also other countries have very different traffic situations than we do.

I think there's merit in considering and assessing what has occurred in other jurisdictions in Canada that have implemented this legislation. The amendment that I'm proposing does commit the government, if passed, to evaluating the successes and failures of recently implemented legislation in other Canadian jurisdictions and it does place a time limit to the amount of time to occur in doing that evaluation.

Some members might argue that there is urgency to making this move. I recognize and appreciate that situation, but again would point out that as serious as any traffic issues and situations are, the fact that most of Canada has not had this legislation until quite recently, when we compare the situation that goes on in downtown Toronto on the 401 — on any of the 400-series highways on a daily basis — versus what the Yukon faces in a year, there are certainly a great many more traffic issues and incidents there. Yet, they acted this year; they didn't act three years ago. My point is that members may say that this is an urgent situation. I would argue that as with other important legislation the government has passed, it's also important to get it right — to not create unintended consequences, to look at the successes and failures from other jurisdictions.

Look at the impacts of new legislation — what works and what doesn't — and look at the unintended consequences, such as people swerving off the road, parking on the edge of the road or halfway into traffic. Look at legislation, if it is put in place, as it should be specific to hand-held cellphones and other electronic devices and how far it should go in defining them, or conversely, whether or not it should be defined more broadly in relation to the issue of distraction while driving and attention to driving.

When one looks at proposing that it refer to hand-held cellphones and other electronic devices, the question becomes, what other electronic devices are included? Does this propose banning iPods? Are you allowed to listen to your iPod but not touch it? Can you advance it or skip back a song, but you can't do anything else? My point is, how prescriptive does this get?

Are you now no longer to use your radio or your CD player or are there exemptions for this? This is the question — how far we go, and how specific we get in defining unacceptable distractions and to what extent we should perhaps take a step back and refer to the issue and address the issue more broadly, in terms of distraction while driving.

There are a number of devices that are fairly recent in their popularity, including iPods and other mp3 players, satellite radios, GPS — there may be more to come, considering the recent increase that we've seen. Again, in summarizing, I do recognize the issue that is posed. I think we should treat this seriously. I also think we should do our homework, look at the successes and failures from legislation in other Canadian jurisdictions that has come forward fairly recently to deal with these serious issues, determine if it's having unintended consequences that suggest a different approach than they have taken.

With that, I will conclude and hope that members will agree and recognize that this is a net benefit to the motion. I will, just before sitting down, read the motion as it would read — since we've had two amendments, and the possibility that some members may be trying to figure out how it all goes together. The motion, as amended, should this amendment pass, would read:

THAT this House urges the Government of Yukon to evaluate, over the next 12 months, successes and failures of recently implemented legislation of other Canadian jurisdictions, and subsequently consult with Yukoners before introducing amendments to the *Motor Vehicles Act* to prohibit the use hand-held cellphones and other similar electronic devices while driving or operating a motor vehicle on a highway, except where provided for by law.

Thank you, Mr. Speaker.

**Mr. Nordick:** With all due respect to the member opposite, there is no need to encourage the government to do something that it considers standard practice. We do this on all aspects. The government members will not be speaking to this amendment. We will not be supporting this amendment. I encourage all members to not talk this motion out. Let's bring it to a vote. It's a very important issue, so I encourage the members opposite to support the motion with the first amendment. We will not be supporting the second amendment.

**Mr. McRobb:** I wish to put on the record the views of the Official Opposition. While we recognize the intent of this proposed amendment and the merit behind it, we feel the matters on the other side of the ledger are more impressive. Delaying the consultation period by 12 months in terms of timing of the sittings would bump the bill that would come out of this to the spring 2011 sitting.

Mr. Speaker, that's quite a long way from now. There is also the possibility it might get bumped from the spring of 2011 to the fall of 2011, should there be an election in the spring of 2011 — that we don't know yet. So it could very well be two years before the bill is debated in this House and it will take time for it to be brought into effect. The member who has proposed this amendment spoke about urgency and recognized

the need for urgency. Mr. Speaker, I would suggest the need for urgency to deal with this whole matter effectively would simply outweigh the purpose of the amendment. We can safely assume that officials in the Department of Justice are diligently researching the laws in other jurisdictions, especially similar jurisdictions within our own country.

No doubt those officials are fully aware of the issues related to those other laws and are trying to find a way to work around those issues for the benefit of Yukoners. They're doing it now. We don't need to set this back another 12 months or more, should there be an election in the spring of 2011.

This whole issue of hand-held electronic devices while driving, as mentioned, is an emerging issue. Usage of these devices is on a steep upward trend. We know that. It'll be a bigger problem next week than it is today. We know that. It's also safe to assume that if this law is postponed another year or year and a half it is probably going to lead to more accidents than would otherwise be possible had this law been in effect.

Mr. Speaker, I'll avoid sensationalizing that matter, but I'm sure everybody can extrapolate the probable outcome. In the interest of time, we are satisfied with the motion as amended, and I do thank the members opposite for supporting the previous amendment. We do understand the intent and merit of the amendment on the floor currently, but feel the cons simply outnumber the pros to it at this time, because of the urgency of this matter.

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

**Some Hon. Members:** Agree.

**Some Hon. Members:** Disagree.

**Speaker:** The yeas have it. I declare the amendment defeated.

*Amendment to Motion No. 836 negatived*

**Speaker:** Is there any further debate? If the member now speaks, he will close debate. Does any other member wish to be heard?

**Mr. Nordick:** Thank you, Mr. Speaker. Thanks for all the comments from all the members opposite. One thing I do want to clarify for all members is that this is a process that starts the consultation with the public, and consultation is key and safety of Yukoners is also key. That will wrap up my comments, and I would like to see unanimous support of this motion.

Thank you.

**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. Fentie:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Kenyon:** Agree.

**Hon. Mr. Rouble:** Agree.

**Hon. Mr. Lang:** Agree.

**Hon. Ms. Horne:** Agree.

**Mr. Edzerza:** Agree.

**Mr. Nordick:** Agree.

**Mr. Mitchell:** Agree.

**Mr. McRobb:** Agree.

**Mr. Elias:** Agree.

**Mr. Fairclough:** Agree.

**Mr. Inverarity:** Agree.

**Mr. Cardiff:** Agree.

**Mr. Cathers:** Disagree.

**Clerk:** Mr. Speaker, the results are 14 yeas, one nay.

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

*Motion No. 836 agreed to as amended*

#### Motion No. 835

**Clerk:** Motion No. 835, standing in the name of Mr. Nordick.

**Speaker:** It is moved by the Member for Klondike:

THAT a Select Committee on the Prohibition of Discharging a Firearm within a Road Corridor be established;

THAT the membership of the committee be comprised of equal representation from the government caucus, the Official Opposition caucus, the Third Party caucus and include the Independent member;

THAT the Premier, Leader of the Official Opposition and the Leader of the Third Party name, their respective member(s) to the committee;

THAT the committee conduct public consultations for the purpose of receiving the views and opinions of Yukon residents and prepare a report making recommendations regarding public safety for prohibiting the discharge of a firearm within a road corridor;

THAT the committee report its findings and recommendations in the 2010 fall sitting of the Legislative Assembly,

THAT the committee have the power to seek background information from experts and be able to call and hear these experts witnesses; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the committee.

**Mr. Nordick:** It gives me pleasure to speak to this important concern. The first and most important comment I'd like to make is that this is about safety. Safety is paramount.

As with the first motion we debated today and passed that dealt with public safety, this also is about the safety of Yukoners. The government would like to hear what Yukoners have to say about discharging a firearm within a road corridor. It is imperative that all members of this Assembly hear first-hand what Yukoners have to say.

Should all roads in the Yukon be considered equal? I would think that Yukoners would agree that they're not all equal. The Clinton Creek Road is different from the Alaska

Highway. Once again, this issue warrants a select committee made up of members of this Assembly to consult with Yukoners to determine if this issue is a concern and, if it is, how to change it for the better, keeping in mind, it's a public safety issue, Mr. Speaker.

I look forward to the discussions today and I also look forward to hearing back from the committee on what Yukoners have to say about this very important issue.

**Mr. Fairclough:** I'd like to speak to this motion that was put forward by the Member for Klondike. I am a bit surprised that the member didn't lay out a good rationale for bringing this motion forward and forming a committee. What happened? There is a breakdown here. I expect members bringing forward motions to the floor of this House to lay out a good argument for why we, the members elected in this Legislature, would agree to the motion that has been brought forward.

The one thing that he mentioned is the fact that this is a safety issue and that he wanted to hear from the public on this. Well, in all the travels that I have done throughout the territory and in my riding, I have never heard this before. This might come as a surprise to the Member for Klondike, but I have never before heard this as a safety issue.

I have heard people talk about safety issues in regard to how firearms are handled and the fact that if there is one thing that can really improve public safety, it is people taking the firearms course and learning how to handle firearms in a safe manner — not just when you're hunting along small roads or even trails — some of them are considered roads — but along the rivers, and in and around people's cabins or camps. These are all issues, I think, that need to be looked at by, perhaps, those who make the recommendations to governments and deal with these types of matters more than we do.

I'm referring to organizations and instructors that are already put in place, like the Yukon Fish and Wildlife Management Board and the Yukon Fish and Game Association. As a matter of fact, if the Member for Klondike is hearing that this is a huge matter, that it is so important that a select committee be formed from the floor of this Legislature to go out and consult, then I'm not sure where he's hearing these concerns come from. I haven't heard them in the public, and I haven't heard the public say, "Form a select committee; come to our community and hear us out on this matter."

If the Member for Klondike is serious about this issue, treats this issue in a very serious manner, and feels it is a very important issue, then perhaps he would have had some discussions with the Fish and Game Association or the Fish and Wildlife Management Board which have dealt with these issues before and have talked to Yukoners in the past. The public was consulted on this issue already. It doesn't take a select committee to go out and do it again. I think we can just review what has been done already.

Perhaps the Member for Klondike, knowing that this issue has been dealt with, might want to withdraw the motion for debate today and let the organizations that have been formed through the First Nation final agreements and the UFA handle

these types of issues, because that's where they are best handled. They have the knowledge and expertise.

I'm not against any select committees; they can work in some instances. I think, though, when it comes to this issue, public safety — as a matter of fact, recommendations have come to governments in the past, for example, with the Porcupine caribou herd and the no-hunting zone on the Dempster Highway and so on. They have dealt with this matter and so has the Department of Environment worked on these things.

It is not about getting out of any type of work that needs to be done on the select committee. There is a lot that has already been done, but I'm just telling the Member for Klondike that this is important; we feel it's important and there is a better avenue for this to happen.

Since the announcement — since the member read it into the record on the floor of this Legislature, we started getting phone calls. Every time we go back home, people talk about it as if it had already happened.

The first one to come to mind — and I didn't think about it right away, and I should have — is not that our Yukon hunters are concerned about hunting big game; it's the small game — the gophers, the grouse, the rabbits and so on that a lot of the older people hunt while driving down small roads and do not go very far, I guess. This was an instant concern on their part. They were frustrated that this had happened. I don't think they realized that what was suggested here — that a select committee goes out to the communities and explores this again. If anything, it should be the government that goes out and does these public consultations because that's the kind of stuff that they do, particularly with an issue like this.

For my own community and the communities I represent, a lot of the First Nation people came up to me — and I was surprised by the numbers. Wherever I went, whether to the store or a community event, this would come up right away. It was an infringement on what they've done all the time.

I know that perhaps this issue came up when there was an incident on the Atlin Road where a bear was shot in the ditch and it was witnessed. I don't know if having rules in place that further prohibit the discharge of a firearm outside the highway corridor would make a difference to a person like that who would have done this type of action in front of tourists. I don't think it would have made a difference to have this in place, but it does make a difference to some of the seniors and older people in going out on small roads and practising what they normally practise.

I think for a safety aspect to this whole thing, the best thing we could do would be to teach people about the safe use of firearms, and this has been taught to young people way before the firearms course even came about here in Canada. There's the safety teaching that has taken in place in how not to get hurt out in the bush.

Right now, you can't shoot across the road, first of all, but you cannot pull your rifle out and shoot at a moose or a caribou or elk off from road. You can't do that. There is a law that is already in place. You have to be off the shoulder of the road, but it doesn't mean that you have to run all the way to the edge

of the highway corridor to be able to discharge your rifle. That's how it is right now.

In some places, we've put stronger rules in place, like the Dempster Highway, where we say that we go a half mile off the road. That was a safety issue, where there are a lot of people who are using fairly big rifles to hunt caribou. That has been an issue that was dealt with, and it was dealt with through Yukon Fish and Wildlife Management Board. I think if the Member for the Klondike wants to get some really good feedback on this, that's where it should be.

If he wants to really sign the deal about not getting elected in the next election, he can take this back to his constituents and say, "Look what I did." I would think that First Nation people in his community, the miners who use all these roads — and a lot of them are up around the Dawson area — would have an issue with this because they, too, hunt small game. They, too, use firearms.

I'm surprised because I have not heard of this before — that there should be something in place that prohibits discharging a firearm outside the highway corridor. Right now, Mr. Speaker, the trappers can set a trap inside the highway corridor; they can do that. Traps could be set inside the highway corridor on their trapline. This has nothing to do with prohibiting any action such as that, but what happens if there is a live animal in the trap? Some people would shoot the animal just to keep it from suffering further if it were caught not long before that. That's an issue that probably would be raised if it went out for public consultation. I think this is best left with the Government of Yukon to be able to take all their experts and expertise out with them.

I know that the select committee, as the member said, would have support staff to be able to go out and do this, but I also think that this needs to be thought about a little bit more. If the Member for Klondike wants to caucus and perhaps talk with the members, I would be agreeable to have this motion deferred, because as it stands right now, I can't agree to it. I can't agree to it. I cannot take this back to my constituents and say, "Look what I have done in the Legislature; look what has been passed." I think the Member for Klondike would be hard-pressed to get good news out of this if he took it back to his own riding too.

The Yukon Fish and Game Association have dealt with this matter, and so has the Yukon Fish and Wildlife Management Board. Those are people and organizations we need to listen to. They talk about this in quite some detail. Not only that, the member opposite is asking that an independent member — the only one on this side of the House — also be involved in this select committee. It doesn't say that every member on the government side or the Official Opposition or the Third Party should be part of this.

Just in the numbers themselves, it gives that Independent member a lot more say than an individual in this House, and he really should not be included, I would think, as part of this select committee. Just knowing the Independent, he's not independent of any other party; he's still attached to the Yukon Party and the numbers are there.

I know there are attempts to cut the ties with that member, but it doesn't matter. The fact is the Independent member is also mentioned as one of the members to be on this select committee, with no say of whether or not we agree to it. Other parties have to pick one from their party to be on this committee.

I would like the Member for Klondike to really think about this. Is this one that the Yukon Party really wants to bring forward?

I mean, I think there are other jobs a select committee could be doing, other than this one. I think this is one that is going to be talked about a lot, and the public will feel the pressure that government wants to do this. They want to do this. It's already going to be an issue. I know the Member for Klondike talked about us perhaps needing to look at the different types of roads — the Canol Road and some of those that are closed for the season — the Casino Trail and the Freegold Road are closed for the season. But ATVs are on those roads and snowmobiles and so on.

Even go further beyond that — let's take some of the mining roads, for example. These are secondary roads that are government roads. I would think that if a law like this is put in place, it would apply to government roads, whether they are maintained or not. How do you police this? It's pretty tough as it is to get our conservation officers out there the way we want and to do the things we want them to do. It's tough enough to get them out there in one section of the Yukon when they take care of a large portion of the territory. That's another thing to think about.

What does it mean? We have different highway sizes here. The Casino Trail, for example — the Freegold Road that goes past Carmacks Copper and past Northern Freegold and up to and past the Casino properties is only maintained, even in the summertime, a portion of the way and then stops. You can really tell that it's not maintained because the road gets pretty rough. What does that mean for a law like this? How do you police it? One of the complaints that came to us and the Official Opposition is that people were monitored on trails by the Department of Environment. They were monitoring animal trails and hikers and hunters and they all found themselves to be on camera.

Although this could be a fairly useful tool, what does it mean down the road as far as trying to police what takes place here? I asked the member whether or not he would like to bring it forward and at any time we would be in favour of the next speaker on the government closing this debate for today and having it looked at in a little clearer light — perhaps doing some research on it with the Fish and Wildlife Management Board and the Fish and Game Association. Take it back, perhaps gather some information on this and think long and hard about exactly what this is going to do. I don't think members on that side of the House would be too happy to sit on this committee and say, "This is what you're charged to do." The government wants to examine whether or not there would be a law in place to discharge a firearm outside the highway or road corridor. I know I would.

A lot of my constituents are already up in arms about it, because that's the practice today, and it has been a practice for quite some time. For those who go out and hunt gophers, a lot of the gophers, for example, are in the highway corridor. Some people trap them; some people shoot them. When you're on the back roads, on the secondary roads, and you come across a grouse that flies up in the tree, you've got to scare it off outside the road right-of-way to be able to shoot it. You can't go under it and you can't go on the other side of it, otherwise you would be shooting across the road. These are all issues that are going to be brought forward. If we're serious about bringing forward a law that prohibits the discharging of a firearm inside the highway corridor, then the Member for Klondike is going to hear a lot about it. I presume he's going to lead this select committee, and be happy about going into the communities to talk about this.

The other thing I think will be said to the Member for Klondike, particularly from the First Nation point of view, is here is another law put in place that infringes on their aboriginal right — somehow, a little bit, picked at, death by a thousand cuts, one after another after another. I don't know what will be brought forward next by the members opposite, but there are a lot of roads out there, even winter roads. Those winter roads are used by hikers and hunters — whether on ATVs or not, any season. The winter roads are put in for heavy traffic in wintertime. They're being used. What happens there?

Yes, the public could say we should be allowed to discharge a firearm, say, if we're hunting bison and we have a tag and are way out in the bush there, but we're on a secondary road, which is a government road. It's map-notated and so on — what do you do? Do they get charged for discharging a firearm in that situation?

How far is this government willing to go? We want a select committee on this. There is nothing wrong with select committees being able to go out and examine this. If anything, the Member for Klondike should have made a motion to have government go out and examine this, and government can go and talk with the Yukon Fish and Wildlife Management Board. It can go and talk with the Yukon Fish and Game Association. They can go and talk with the renewable resource councils in the different communities. They can do that, and probably already have done that.

I don't know how much homework the Member for Klondike did before drafting this motion for debate today. By his opening remarks, I would say very little has been done in that regard. It is not uncommon for governments or opposition members to move to adjourn debate on motions like this.

As a matter of fact, governments do that on opposition motions or bills. It's a pretty serious matter. This really affects hunters because people aren't target practising off the roads or anything, but this really affects the hunters who are on the highways and on secondary roads. This is who is being targeted.

There are already some difficulties in dealing with discharging a firearm within a half-kilometre of a person's cabin — particularly if you don't know where the cabin is. I've heard people talk about that all the time. They walk through the bush

and ended up shooting a moose, caribou or game of some type, and it's within that half-kilometre corridor.

That is an issue and I don't think that the general public will be too happy to see more rules put in place when it comes to this. We already see more and more being produced by government. The select committee — I can tell what my constituents are going to say about this right off the bat. They'll say, "No, don't do it." For myself, I don't even need to go out and consult with my constituents about it. There may be a few who will perhaps look at the government's argument of safety issues on this matter, but the majority of them would say, "No, we don't want it. Take it back." It would really be a waste of our time — our valuable time.

We have government staff who are assigned to this select committee, and the work has already been done. I've heard from the government side before. They say, "We don't want to duplicate any work that has taken place out there." Right now, I know that the Yukon Party staff is perhaps looking to see exactly what work has been done out there by the Yukon Fish and Wildlife Management Board and the Yukon Fish and Game Association.

Sometimes I'm at a loss for words when they do this type of work and it's rejected by government. Maybe this doesn't matter to the Yukon Party whether the Fish and Wildlife Management Board takes on this task, but to me, I see them as a valuable tool for government to be able to do this work for government, for First Nation governments, and make these recommendations. Those recommendations also go to First Nation governments.

The work was already been done and why would we do it again? Why would we do that? I know even for a lot of the people here in Whitehorse who end up travelling outside of the capital into rural Yukon will have an issue with this too. I know it's near and dear to a lot of the hunters out there to be able to do what they've been doing for quite some time. The Member for Klondike wants to address the safety aspect of all this. The biggest issue I've heard in this argument for bringing forward a select committee is the safety issue.

What I didn't hear from the Member for Klondike is that he has been hearing this all over the territory. He's hearing this from his constituents. He has been hearing this in the grocery stores, in the sporting goods stores, on the streets of Whitehorse, from his friends, from his colleagues. I didn't hear that argument at all. It was just, "Let's form a select committee and you guys go and do something in your spare time during January, February and March and throughout the summer if there is spare time."

I didn't hear that argument from the member opposite. I think perhaps in his closing remarks on this motion that we are going to hear it. We are finally going to hear it. I am a bit surprised that the member opposite, the mover of the motion, did not have much to say on this.

What does the Member for Klondike want to tell people as part of this select committee when he goes into the community? This motion is going to get passed in this House. He will take this motion and say, "We're here because I brought forward a motion to the floor of the Legislature to examine discharging a

firearm inside the highway corridor, and it was passed by this House.”

Is that what the member opposite wants to do, and say, “I would like your feedback on this now, because I brought this forward and the majority of the Legislature approved this, and now this is what we’re tasked to do” — never mind giving the Clerk of the Legislature more work to do in identifying more staffing to be able to handle this, and the cost, of course? I would think that as we move into more and more select committees, we’re going to have to approve a budget just for government — the Legislature, the Clerk and his staff — to be able to handle this. It’s a lot of work. It’s a lot of work to do this.

It’s compiling the information, examining other work that has been done in the past by the Yukon Fish and Wildlife Management Board, looking at all the minutes of their meetings, who said what, and trying to decipher whether or not there’s anything new that we’re going to be bringing forward at all.

If anything, Mr. Speaker, this is not a task that a select committee should be doing. There are other things that have been identified and agreed to in this House that they could be doing. It’s not one that should be done here. The Member for Klondike is going to hear it. We’re going to form this committee and start talking to the public and they’re going to say to the member opposite, “Why are you creating another obstacle, another law that prohibits me from doing what I normally do, from what I have done all my life?” We’ve already had one for good reasons, of course, put upon us — that’s discharging a firearm off the shoulder of a highway or roadway. Would this only apply to certain people? What about trappers, for example?

Is the Member for Klondike going to come forward with another motion and put it on the floor of this Legislature, prohibiting trappers from setting traps inside the highway corridors? Is that what’s next? Where do we go from there? How far do we go? Are we talking slingshots now? Are we talking about compound bows? What’s next that the Member for Klondike wants to bring forward? What next? How many more laws and rules does he want to put in place for Yukoners?

I don’t think he even wants to bring this one forward. Did the Member for Klondike think of this motion on his own? Was it agreed to by his caucus? How did it even come forward? There was no explanation in his opening remarks on it — none. I’m really surprised at the member opposite because I don’t think he consulted people or had much discussion at all with the public out there, particularly with miners who, in his riding, have all kinds of roads. I’ve been back on some of them, Mr. Speaker. There are lots of roads that are out there.

I think after tabling this motion and reading it on the record, that perhaps members on the government side and maybe even the mover of the motion are having second thoughts about this motion here forming a select committee. I know select committees have a tough job to do sometimes facing the general public and asking them for their opinion on things, but with this one in particular, I don’t see it as improving safety on our highways. We already have the rules in place. Those who

are going to be discharging firearms will do it anyway if they think no one is around.

I don’t think this is an improvement of seeing animals killed close to the side of the road.

I thought this issue perhaps was born because of the incident on the Atlin Road where a bear was shot in front of people. If we have an animal that’s outside the highway corridor and someone goes to the edge of the corridor and kills the animal in front of people and tourists, it’s almost the same thing. They see this and witness this. For anyone, it would just be common sense to do this on your own. I think it’s tough enough having to cope with the gun laws that are in place, which I disagree with — except, of course, for the safety courses they put on, about the registry and so on. The safety courses are excellent. It would improve things.

As a matter of fact, there were so many complaints about it — you have to lock your rifle up in a case. If you see an animal on the road, you have to go and find your key or your combination, open it up, and you’ve got a trigger lock. Then you’ve got to get your shells out from somewhere else, before you are able to look back and see whether the animal is on the top of the hill or made it over to the other side. That’s an issue that people have. But you know what? They’re dealing with it. They are trying their best.

I have seen a heck of a lot of improvements when it comes to firearms safety by Yukoners over the past years. The fact that you have to lock up your rifles is a good one or keep them away from children and take away that potential of accidents — that is a good one. Being conscious of your firearm in your vehicle is another and the basic teaching of your children about the dangers of a firearm. For anybody who is new, this is a big one.

I’m interested to hear what the Member for Klondike has in his pile of motions that he reads every day about how he should limit the movement or the actions of Yukoners in the future. I wouldn’t be surprised — because a motion like this comes out — if that member came forward with a motion that limits trappers for setting traps within the highway corridor.

### Speaker’s statement

**Speaker:** The Chair would just like to caution the honourable member speaking. The member is coming awfully close to ascribing motives to another member. This is just a cautionary note. The honourable member is skirting around the outside of it, so just please be careful.

The honourable member has the floor. Carry on.

**Mr. Fairclough:** Thank you, Mr. Speaker. I’m trying to bring some seriousness to this motion. It is a pretty heavy motion. A select committee to go out and look at limiting and making it an offence to discharge a firearm within the highway corridor is pretty big. We already have the limits on our highways in discharging a firearm off of the shoulder of highways and I think it is pretty common sense that people just don’t discharge a firearm across a road or a highway. This motion does mention roads and road corridors and sometimes these roads — if they’re categorized as secondary roads or off-roads,

I think the Member for Klondike perhaps would like to address that.

He did say that there's a bit of difference between the different highways, and he's right. Once you get off the beaten path, and you can drive on a road and there's nobody around, and won't be around for days, it makes a huge difference. I think it comes into question how this will be policed and managed. Does the Member for the Klondike see, perhaps, increasing our conservation officers — double, triple them — to monitor this? We have a heck of a lot of road out there to be able to monitor. It's a lot. If anything, there could be some educational brochures, talks, workshops and community meetings about public safety and hunting on or near roads, or people's cabins, on water, from the boat. We haven't talked a whole lot about that yet. Perhaps the Member for Klondike would be able to do that.

If the safety issue is the number one reason why we're bringing forward a motion to form a select committee, then perhaps we need to do other things first and try them out — educational pamphlets and brochures. There's a lot that are out there already — and look at bringing forward something that's easily identifiable to the general public, the communities and so on, and maybe start from there.

I also believe a select committee formed from the floor of this Legislature to go out and be tasked to do this job is the wrong move.

The Member for Klondike could be bringing forward by motion to the floor of this House for government to be able to go out and do exactly that. The government has the majority here. I don't know if that will happen, but I think that all the members on that side of the House need to think long and hard about this as it's a huge impact. I don't believe it's addressing the safety aspect as much as the Member for Klondike thinks. Government should be doing this on their own — talking with the Fish and Wildlife Management Board and the Fish and Game Association.

With all that, Mr. Speaker, I hope that it helps a little bit for government members. I hope that the caucus can meet about this. We would agree to take this off debate and adjourn debate, go back into Committee of the Whole and further debate the departments. But if we can't do this, I'm going to propose a simple amendment here to this motion.

*Amendment proposed*

**Mr. Fairclough:** I move

THAT Motion No. 835 be amended by replacing all the words immediately after the word "THAT" with the following: "this House urges the Government of Yukon to initiate a public consultation process on the prohibition of discharging a firearm within a road corridor;

THAT as part of this consultation process, the Government of Yukon receive the views and opinions of Yukon residents and prepare a report containing recommendations regarding public safety and wildlife conservation; and

THAT Government of Yukon report its findings and recommendations to this House during the 2010 Fall Sitting of the Legislative Assembly."

**Speaker:** The proposed amendment is in order, and it reads as follows.

It has been moved by the Member for Mayo-Tatchun

THAT Motion No. 835 be amended by replacing all the words immediately after the word "THAT" with the following: "this House urges the Government of Yukon to initiate a public consultation process on the prohibition of discharging a firearm within a road corridor;

THAT as part of this consultation process, the Government of Yukon receive the views and opinions of Yukon residents and prepare a report containing recommendations regarding public safety and wildlife conservation; and

THAT Government of Yukon report its findings and recommendations to this House during the 2010 Fall Sitting of the Legislative Assembly."

**Mr. Fairclough:** The amendment basically removes the select committee from going out and doing public consultation and putting it to the Government of Yukon to do this public consultation. They're best suited for meeting with Fish and Wildlife Management Board, Fish and Game Association and all the renewable resource councils that are formed around the territory and taking this back out to them. I believe this is the best way to be able to handle this matter and we have formed the Fish and Wildlife Management Board to be able to do just this type of work. They can make the recommendations back to the Government of Yukon and to the First Nation governments across the territory.

That's what the proposal of the amendment to the motion says, and we believe that is the right thing to do. For the interest of the Member for Klondike, this consultation process should take place. They basically go out and seek the views of Yukoners and Yukon residents on this matter and they prepare a report containing recommendations in regard to public safety, like the Member for Klondike says, and wildlife conservation, and that they bring those findings forward to this House during the 2010 fall sitting of the Legislative Assembly.

I think that's the better way to deal with this matter. Select committees have been assigned tasks to do already and select committees have been formed. I believe a lot of work has been done within the Government of Yukon already on this matter. It won't take a whole lot for them to review their consultation — the studies that they have done — and to work with their expertise to address the safety matter that the Member for the Klondike has raised, and to bring it forward to this Legislature. I believe, thinking about it long and hard, that this is the right way to go. A lot of work has already been done. I think the Member for the Klondike probably realizes that too. So do we. We know that the general public has been asked about this issue before. I don't think that a select committee would bring anything different from what's out there already — what's already out there that has been said already. I know what my constituents would say to me already, on this matter. It would be a flat out no. It could be a quick consultation process for a select committee, should the government decide not to agree with this amendment.

I do think in all sincerity that this is the right way to go. I just ask that members on the government side think about this and their response to this amendment and perhaps agree and be in favour of this amendment. So I'll sit down and listen to the views of the government side on this matter.

Thank you.

**Mr. Nordick:** It never ceases to amaze me what people come up with. We made a commitment to make this Assembly work together on issues. Members are laughing, but we made a commitment. I know the members opposite might not agree with it, but we made a commitment to work together. We made a commitment to consult with Yukoners, and we want to have the opposition members work with us to make this Assembly work better.

The members opposite are cherry-picking which things they want to consult on. Once it gets a little tough or a little dicey on issues, they walk away — no sense consulting on anything, except for the perfect situation for consulting. This is a pattern. This is the second time they've put an amendment on the floor to get rid of a select committee.

I would encourage members opposite to work together, get out and consult with Yukoners. Don't just assume that you know everything that every member is thinking in your community. I'm not prejudging what members in my community, members in Mayo, members in Watson Lake think about this issue. That's what the purpose is — to go out and consult. The members opposite know — the Member for Mayo-Tatchun says he knows exactly what his community members say. I remember being in a meeting in Mayo where it was said, "We see you more than our representative," so are you sure you know what your constituents think?

Just think about that. Just think, this motion on the floor today is about working together — all parties, including the Independent, travelling the Yukon to listen to Yukoners. But the members opposite, for the second time in, what? — two weeks I think it is — say no to listening to Yukoners, say no to working together, say no for extra work.

Yes, it's amazing. They want to create less work for themselves.

### Speaker's statement

**Speaker:** The Speaker stepped in a little earlier with the Member for Mayo-Tatchun. I'll do the same for the Member for Klondike. We don't ascribe motives to any other member in this House; we presume all members are honourable.

The Member for Klondike has the floor. Carry on.

**Mr. Nordick:** Well, just to sum up, I made a commitment to work together with all members of this Assembly. I will not sit back and say I don't want to listen to Yukoners, but I think all members should reconsider whether they actually want to get out, since they are the ones elected, and listen to Yukoners or let's just send officials on everything. No, let's go out and listen to Yukoners.

Thank you, Mr. Speaker.

**Mr. Elias:** I'd like to speak to this amendment. I do support the amendment. The Member for Klondike should pay a little closer attention to what has been going on in this territory because this discussion has happened with Yukoners, I think it was three or four years ago. I participated in those meetings. Yukoners across this territory from renewable resource councils, from members of the Yukon Fish and Wildlife Management Board to community members across this territory, have all submitted their testimony on this issue already. If he was paying attention to what was going on in the Yukon, frivolous and vexatious things like this wouldn't have to come to the floor of the House.

### Unparliamentary language

**Speaker:** Order, order. Hon. Member for Vuntut Gwitchin. The honourable member knows full well that he cannot accuse another member of being frivolous and vexatious. I don't want to see a pattern of this type of thing and I am going to ask the honourable member to withdraw those remarks.

**Mr. Elias:** Pardon me, Mr. Speaker?

**Speaker:** Please withdraw the remark of accusing another member of being frivolous and vexatious. That is out of order.

**Mr. Elias:** I thought I was talking about the process, but absolutely, if I upset anybody in the House —

**Speaker:** Order please. Order please. Just a withdrawal will be fine.

### Withdrawal of remark

**Mr. Elias:** I withdraw the remark, Mr. Speaker.

**Speaker:** Thank you. You have the floor.

**Mr. Elias:** As I said earlier, the Yukon Fish and Wildlife Management Board considers territory-wide fish and wildlife issues, consults with the public and advises the appropriate minister, First Nations and renewable resource councils on how these issues should be addressed. As far as I'm concerned, this is one of the issues that has been addressed in the past in this territory. The honourable Member for Mayo-Tatchun expresses it well — that's why it's not in a piece of legislation now, because Yukoners came out and said it's a flat-out no.

I'd like to bring up an important point about those discussions way back then, and it was with regard to handicapped Yukoners and elders accessing the — what is it? — 5,000 kilometres of road we have in our territory to harvest small game and fish and wildlife to feed themselves and to participate as Yukoners to put food on the table. That was one of the reasons that I remember was brought up at the meetings — because not everybody can afford fancy four-wheelers, and stuff to go way back in the backcountry.

So, when we talk about the motion, it relates to public safety. Another big issue that came up during that time, that I remember, was with regard to limiting subsistence harvesting rights, or laws of general application, for that matter. It was a big issue. The only way that you can limit subsistence harvesting rights, under 16.3.3 of the *Umbrella Final Agreement*, is for purposes of conservation, public health or public safety.

The Member for Klondike is suggesting that roadway corridors — which I don't even know the definition of — constitute an argument for public safety. That's a pretty big issue that he's putting on the floor of the House today — from the Annie Lake Road, the Asihihik Road, the Scout Lake Road, the Fish Lake Road, the North Canol Road and South Canol Road, the Casino Trail Road, the Groundhog Creek Road, the Sheep Creek Road, the Coal Lake Road, hundreds of kilometres of mining roads within the Member from Klondike's riding, the Alaska Highway, the south Klondike Highway, the north Klondike Highway, the Haines Road, the Robert Campbell Highway, the Dempster Highway, the Atlin Road, the Tagish Road, the Top of the World Highway, the Nahanni Range Road, the Silver Trail Road, the Takhini Hot Springs Road, Mitchell Road, Cassiar Highway — the list goes on and on.

As soon as this motion from the Member for Klondike came to the attention of Yukoners, there were some pretty tough words said in my ear on the telephone and on my e-mail about this issue because around the territory, on the roads that I just listed, category A and category B settlement lands snuggle up to many of these roadways, as well as private landowners and traplines.

This is going to be more of an issue than I think the Member for Klondike understands — and this has been. Like I said, this has been discussed before, and it was a flat out no.

For us to have to stand on our feet and have to deal with this today is repetitious. Suggesting that a select committee go out is — I don't know if it's the best expenditure of taxpayers' dollars to answer a question that as far as I'm concerned has already been answered. I forget exactly how many years ago it was — three, four, five, six years ago — but I'm not against select committees. I've participated on select committees. There are other tools in our territory with the renewable resource councils, the Fish and Wildlife Management Board and we have an excellent executive on the Yukon Fish and Game Association. I've talked with many of those members, some of them today, who said, "I don't know what's going on. We've already discussed this on a very broad level." They say to me that they don't even know why this is on the floor of the House today, because it has already gone through processes that have been agreed to in the land claims agreement. I don't even know where to go.

But all I can say is that I do support the Member for Mayo-Tatchun's amendment. If the Member for Klondike or the Yukon Party government considers that this question needs to be answered, and you have the government and you have the resources — go answer it.

Thank you, Mr. Speaker.

**Mr. Edzerza:** As I listened to this debate today, I find it somewhat unacceptable that the Liberal caucus seems to want to predetermine the outcome of everything that is done in the Yukon. You know, a long time ago, as the Member for Vuntut Gwitchin alluded, people were against a smoke-free bylaw also. I remember that debate many years ago when people were saying, "Who the hell has got the right to come and make laws about me smoking?" But today, after many years of

looking at what has gone on with the smoking in bars and public places, they begin to realize the health hazard.

Most of what I heard today was the Liberal Party not wanting to be involved in public consultation, and I find it rather hard to believe that they want to go that route. A lot of people who listen to this debate will probably come to the same determination as I have, that they would prefer to just go ahead and, whenever they become government — if they do — forget about the consultation process and put things in place just by asking our government workers to do it.

The amendment really speaks to a select committee — or, the amendment is getting rid of the select committee, but I believe the select committee is the proper way to do it. I heard comments from the other side that it's a waste of time. Well, I was on a select committee myself and I didn't see it as a waste of time. I found it very interesting and a really good experience to actually go out and hear the opinions of other people.

Now the way the amendment reads now, we are going to really somewhat limit the input of the public at large. I believe that this is just a way out for members in the opposition to go out and actually consult with people in their riding. I would present the argument that I believe quite strongly that there are a large number of people who are concerned about animals being shot in the middle of the road, and rightfully so. I remember one time being on the South Canol when I happened to come around the corner and there was a guy pointing a rifle right in my direction because there was a moose between me and the guy who had the rifle. The moose got away because he couldn't shoot. I was in line with him. Those things do come up. I don't think it's kosher to shoot a bear while somebody is taking pictures of it. I think that is very disrespectful to the animals and to other people who enjoy wildlife.

I think that there are a lot of First Nation people who never used highways to hunt in the past. I know we didn't. I grew up in Atlin, and most of my hunting was on foot in the mountains. I never used a truck or a four-wheeler to hunt. I walked. I believe that there's a process that could be used there. This law was already in place in some parts of the highways in the Yukon. When you go past Braeburn, you can't shoot anything. I think it's a 500 metres off the road for a section of highway there — north Alaska Highway. So, what would be the difference to extend that from there to Whitehorse? None. There wouldn't be any difference having the main Alaska Highway so that you can't shoot anywhere on the highway. The main arteries in the Yukon, where there are a lot of tourists, a lot of people and a lot of traffic, probably would be the areas where the restrictions would take place.

I know that the Member for Vuntut Gwitchin was concerned about all the kilometres of road in the Yukon that people won't be able to hunt on.

Well, maybe that member ought to go into B.C. and try to shoot an animal on roads that are probably 50 times greater than what is in the Yukon. You would be fined for it, and rightfully so.

I know that the traditional way for First Nations has always been that you provide for your elders. I know that things have changed dramatically, where that's not the case any more.

A lot of people don't provide for their elders. There are some things that people have to accept, and that's change. If things didn't change on the Dempster Highway, for example, what do you think would happen to the Porcupine caribou herd? Maybe they should allow free slaughter on that road too — don't make any restrictions anywhere. Take off all the restrictions on every highway in the Yukon and not do anything about people who would want to shoot 50 or 100 caribou on the Dempster Highway.

Sometimes it's not all about the humans. There is the side of respect for the animals here too. I've seen it happen on the Atlin Road where somebody shot sheep right in the middle of the road. My first thought was, look at these guys, they're too lazy to go and walk for it; they have to shoot them when they're on the road where they've gotten used to people not shooting them.

That's the problem here — is that a few people can spoil it for a lot of other people. If we have citizens who are not going to respect the public at large and the animals that have gotten used to people, then it forces government to make restrictions and I don't think the Member for Mayo-Tatchun or the Member for Vuntut Gwitchin could really argue against that, because we are First Nation people and we don't believe — or at least I don't — in unfair practices with animals. It's like shooting something from a helicopter.

I know when the Member for Mayo-Tatchun was the minister at one time, there was a lot of resistance to the NDP at the time shooting wolves from a helicopter, but they still did it. That was on the premise there was becoming a shortage of moose in an area up around Aishihik somewhere. There again, it was unfair practices with animals, just like this is.

I believe there is a safety issue here. Further down the road, it wouldn't surprise me in the least — and I'll be watching this, if I live long enough to see the Liberal Party become government — I'll be watching to see if they actually bring this kind of legislation in place. Maybe they want to save it for themselves and that's the whole thing behind it here.

I'll be watching. I'll be around for another 20 years; you never know.

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

**Mr. Edzerza:** Maybe, as the Member for Mayo-Tatchun says, I won't be an MLA — that's fine. I could probably give them a harder time as a citizen.

Again, I want to put this on the record. I listened to this debate this afternoon and I believe the Member for Klondike hit the nail on the head when he said the Liberals run when the going gets tough. They want to hide away. When a government is the government, you end up having to make some very tough political decisions, just like this one will be.

The Liberals are trying to predetermine the end result before they even go out, so it's somewhat like putting the cart before the horse. At the end of the day, when the select committee is finished, if there is an overwhelming rejection, then at least the government did their job and they did take the time to have the citizens voice their concerns. I actually believe it will be somewhat of a fairly close decision between Yukoners right at this date. I don't believe the Member for Mayo-Tatchun

when he said that every First Nation is against this. I don't believe that. I think there are a lot of First Nations who are actually tired of people shooting animals right on the road and knocking down the quantity and the number of animals that are available today. When we have cow moose shot on the road steady, you know every cow moose loss is actually getting rid of a lot of moose.

I would just like to close by saying I don't support this amendment, and I think it is taking away from the original amendment.

**Mr. Cardiff:** I'm pleased to finally be able to weigh in on this. I need to respond to some of the remarks from members on both sides of the House. I do actually support this amendment and there are several reasons why I do that.

I think the Member for Klondike actually said something about how just because we don't agree, we are not working cooperatively. I would have to say that just because we don't agree, doesn't mean that we can't work cooperatively. I know that the Member for Klondike was aware that this amendment was coming forward. We just weren't sure who was going to propose it. We can work cooperatively and we aren't always going to agree. I don't agree with the views of all the people who have spoken today either.

One of the things that I see, I guess, as a problem in this process is that there are no criteria, for starters, for how we as a Legislative Assembly determine what will actually go to consultation via a select committee. Just for the record, the amendment to the motion does not limit consultation. Consultation is in the first part of the amendment — that the government initiate a public consultation process. I think that the Member for Mayo-Tatchun and the Member for Vuntut Gwitchin talked about all the consultation that has already been done and the good work that has been done by RRCs, the good work that has been done by the Fish and Wildlife Management Board, the good work that has been done by the Yukon Fish and Game Association, and probably with the participation of the Minister of Environment's department.

At the same time, I know there are public views and public opinions out there on this matter that should be solicited. For the Member for McIntyre-Takhini — just for his information — if somebody were standing in the middle of the road with a rifle shooting down the middle of the road, that in fact is illegal and that person — the Member for McIntyre-Takhini — could have reported that person and they probably would have been fined. They may have even had their firearms taken away. It's a violation.

On the criteria issue, can this be taken care of through regulation or does it require legislation? I know that the issue of legislative renewal and whether or not SCREP is going to meet again and whether or not we're going to make some progress there on how we can work more effectively here, needs to be discussed. Maybe that's something where we could arrive — with the capable help of the Legislative Assembly staff — maybe we could arrive at some decisions about criteria and maybe even, given the challenges resource wise, the number of select committees that are operating at any given time. Right

now we've got — I believe — there are four select committees that are all working.

With respect to whether or not you should be allowed to hunt from the side of the road — and I have to stress, it's the side of the road — I think the regulations right now limit you to shooting. You have to be off the shoulder, and you can't shoot across the highway. That makes sense. We need more education in the public about how to properly handle firearms. I think that's important.

At the same time, where I will disagree with the Member for Vuntut Gwitchin is that it is an issue of public safety, and right now the laws aren't being adequately enforced. I hear this from my constituents. Right now, there are limitations on hunting along the Annie Lake Road, but there are no restrictions along the south Klondike Highway.

I can only speak to my experience and what I hear from my constituents. My constituents, in some instances, are concerned when people stop along the south Klondike Highway and shoot a moose.

In fact, there is actually a portion of the south Klondike Highway, in the Robinson area, that is basically a corridor where they travel up and down the mountain and across the valley. So there are a lot of moose. They run through my yard. I have caribou but they are protected. The issue is about there being a law that says that you can't shoot within one kilometre of a residence. If you were to extrapolate that along the south Klondike Highway, there aren't very many places where you could legally shoot even from the shoulder of the road, but there are instances of this occurring.

While I can't necessarily agree with every point of view that has been expressed today, I do believe there should be some public consultation. At the same time, I think that we need to take into account the work that has already been done by some of these other organizations. That needs to be taken into consideration and the government should take that into consideration and support the amendment.

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

*Debate on Motion No. 835 and the proposed amendment accordingly adjourned*

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

**The following Sessional Paper was tabled December 2, 2009:**

09-1-140

Yukon Human Rights Commission April 1, 2008 – March 31, 2009 Annual Report (Speaker Staffen)