

**Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, April 28, 2010 — 1:00 p.m.**

Speaker: I will now call the House to order. At this time, we will proceed with prayers.

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of National Day of Mourning

Hon. Mr. Hart: Today, April 28, is the National Day of Mourning for workers who have been injured or killed on the job. This national day of remembrance was founded by the Canadian Labour Congress in 1984 and was entrenched by the day of mourning act that was passed in the federal Parliament in 1991. As many heard at today's Yukon Day of Mourning ceremony in this building, we need to commit to keeping ourselves and others safe at work.

It was encouraging to note that in 2009 there was a slight drop in reported injuries; however, there were almost 1,700 workers who reported injuries in their workplaces out of the labour force in 2009 of just less than 17,000. This means that about one in 10 workers reported being injured last year.

Since the day of mourning act came into being, more than 50 Yukon workers have died from work-related injuries and illnesses. Just this week, a 25-year-old worker died when a section of an underground mine tunnel collapsed. This is the second fatality at this mine in the last six months. In 2009, four workers died on the job. That's an average of one fatality for every 4,200 workers. My sincere condolences go to the families and friends of those workers.

These numbers are not just statistics about injuries and deaths. These are Yukoners, our friends, our co-workers, our loved ones, our children, our neighbours. It's likely that more than 1,000 Yukoners will be injured on the job this year. Some will never fully heal, some may even die. This government supports economic growth but not at any cost. Safe work practices are essential in all Yukon industries.

At today's Day of Mourning ceremony we stood together as individuals and as a community to commit to not letting these injuries and deaths happen, to keep each other safe. It will take all of us working together to bring about the changes that we all want to see to lessen the total of injuries and deaths occurring in Yukon workplaces.

Mr. Speaker, words alone can accomplish nothing. The commitment we all made at today's ceremony only has a meaning once it is put into action. When we gather again at the Day of Mourning ceremony next year, let us each be able to say that we made a difference; we kept one another safe. Let our reward be that not one more Yukoner loses their life in a work mishap in 2010. Thank you, Mr. Speaker.

Mr. Fairclough: Mr. Speaker, I rise today on behalf of the Official Opposition to pay tribute to National Day of Mourning, also known as Workers Memorial Day. April 28, 2010 is the 26th anniversary of the Day of Mourning for workers whose lives have been lost, injured or disabled on the job. We in Yukon join the rest of Canada and many countries around the world to honour the millions of lives that have been forever changed by workplace injuries. We mourn those workers who have been injured, killed or suffered illness as a result of occupational accidents and hazards.

These men and women are victims of unsafe workplaces. We must not allow the memory or suffering of these workers to be forgotten. All workplace deaths and injuries are preventable. As of 2008, 1,036 Canadians lost their lives because of their work. That does not include the thousands of workers who have been injured or suffered an illness as a result of their job.

All workers have the right to work in a safe and healthy environment. Yukon had another fatality on the job site this past Sunday, the first workplace death of this year, and two injured workers were treated for non-life-threatening injuries. There were four deaths in 2009, including the death of another worker on the same job site as of this past Sunday. We had one workplace death in 2008, two in 2007, three in 2006 and one in 2005. This is unacceptable.

Yukon has reported 342 workplace injuries so far this year; that's 342 too many. We must all commit to continue the struggle, to force employers and governments to fulfill their obligations to make every workplace a safe and healthy one. Safety on the job must be a priority for everyone and the responsibility for safety belongs to each of us.

Both employers and employees must follow workplace safety procedures. We must educate our youth in the importance of workplace safety as they enter the workforce, as they are most at risk for workplace accidents.

By working together, then and only then can we hope to not only prevent and reduce but to eliminate workplace deaths, injuries and disease. We would like to take this opportunity to thank the many Yukoners who have shown their support for our workers and families by wearing the Day of Mourning pin and by attending the ceremony held at 12:30 today in the foyer of the Yukon government building.

As we observe this Day of Mourning, we pause to reflect and honour all workers who have been injured or killed on the job. We mourn with the families that they have left behind.

Mr. Cardiff: Mr. Speaker, on this 26th Day of Mourning, and on behalf of the New Democrat caucus, I rise in solidarity with workers who have been killed or injured on the job, their friends and families, their loved ones and their children. I salute the memory of those workers who went to work but never came home.

As New Democrats with strong roots in the labour movement, we have worked side by side with labour to support workers and to advocate for improvements to health and safety.

The Canadian Labour Congress first created the Day of Mourning for workers killed and injured on the job in 1984, and I am proud to say that it was a New Democrat bill that was

enacted in the House of Commons, which proclaimed April 28 as the National Day of Mourning.

According to the Ontario Federation of Labour, the number of people killed at work each year in Canada has risen in each of the past 15 years. This is in contrast to almost every other OECD country where the incidence of workplace fatalities and injuries is declining. This is a shameful state of affairs in this country. This Day of Mourning is especially sad and tragic here in the Yukon. We all know of the recent events at Wolverine mine with the tunnel collapse and the death of William Fisher. Our thoughts and our prayers go out to the young man's family and friends as they grieve and they try to make sense of what happened.

As more and more mining operations develop in the territory, I think it is time to reflect on this industry and the sometimes sorrowful relationship that Canadians have with this industry.

The Hillcrest mining disaster of June 9, 1914, stands as Canada's worst mining disaster. Of the 235 miners who headed into the mine that day, only 46 survived to live another day and 400 children were left fatherless in an instant.

The Springhill mining disaster of October 23, 1958, which had the distinction of being the first major international story in Canada to be covered by live television broadcast — 74 deaths. Survivors spent up to five days trapped nearly 3,000 feet below the surface.

Drummond Colliery, 1873; the Fernie mining disaster, 1902; these are the names of other places of unmistakable tragedies that have rocked communities to their core. We're not alone in this world. There were recent tragedies in West Virginia and our sister province of Shaanxi, China. We have a long way to go to prevent these disasters in the mining industry and in our workplaces.

The Westray tragedy in Pictou County, Nova Scotia, killed 26 men. It led to the creation of Bill C-45, otherwise known as the *Westray Act*, whereby the *Criminal Code* recognized the liability of employers, managers and owners if workplace deaths were the result of their negligence.

We have questions as to whether there are enough resources to adequately prosecute this important law, and federations of labour across Canada are pushing on this Day of Mourning for the *Westray Act* to be meaningfully implemented. We pledge our support, our commitments and our efforts to build a culture of safety in the Yukon. On this day, we hope others will take up the challenge as well. Thank you.

In recognition of Yukon Writers Festival

Hon. Mr. Lang: As minister responsible for Yukon Public Libraries, it gives me great pleasure to rise today to recognize the 20th annual Yukon Writers Festival known as "Live Words". Each year, Yukoners come together with local and visiting writers to celebrate Canadian writing. Yukon's great literary talent is part of our culture and history. The festival exposes Yukoners to Canada's finest authors and encourages our writers to pursue literary success at all levels.

Mr. Speaker, I would like to emphasize that the festival is Yukon wide, with events taking place in communities as well as here in Whitehorse. The opening reception is tonight at The

Old Fire Hall. It showcases Yukon writer Miche Genest, as well as this year's visitors from across Canada — Miriam Toews, Linda Holeman, Yvette Nolan, Lisa Moore and David Waltner-Toews.

Mr. Speaker, alongside the festival is the 31st Young Authors Conference, which takes place tomorrow and Friday, April 29 and 30, at F.H. Collins Secondary School. Students from throughout the Yukon take part. For our young writers, this is a unique opportunity to write and to be coached by accomplished Canadian writers. Mr. Speaker, strong support from national organizations, local community groups and businesses make the festival happen. I would like to thank the many partners and sponsors who have collaborated over the years to ensure its success.

Financial support from this government, as well as the Canada Council for the Arts, the Writers' Union of Canada and the Playwrights Guild of Canada make it possible to bring writers from across Canada to Yukon. Special appreciation is due to our Yukon festival committee and volunteers. Their love of the written and spoken word and their hard work ensures a successful event. The festival is produced this year by the Public Libraries branch, the Public Schools branch, the Yukon Science Institute and Junction Arts and Music Society.

Finally, Mr. Speaker, I would like to remind Yukoners that the festival is open to the public. Program information for events taking place throughout Yukon is available through local media and at Yukon public libraries. Thank you and enjoy the Yukon Writers Festival.

Mr. Hardy: I rise with great pleasure on behalf of the New Democratic caucus and the Liberal caucus to pay tribute to the Yukon Writers Festival that begins today. The festival will take place both in Whitehorse and several communities until May 4 and will have readings, lectures and even music. We congratulate Yukon Public Libraries, the Public Schools branch, the Yukon Science Institute and Junction Arts and Music Society on their continued success in promoting reading and writing in Yukon.

This year the festival is especially important because it is also celebrating the 31st anniversary of the Young Authors Conference, which is part of the festival. The conference allows students to work closely with professional writers are our guest authors at the festival. Students from all over the Yukon are given the opportunity to polish their writing through workshops, readings and discussion groups — something that is not available through the regular school curriculum. It is always an exciting challenge for young writers to have their writing read and talked about by their peers and the expert writers working with them. We look forward to some of these young writers joining other Yukoners in the future as professional writers. These students may not be writing short stories like Jack London or poetry like Robert Service but there are many writing professions that young people should be considering for their future. Yukon writers are being recognized and published more and more and are making important contributions to the field, as we can see from the writers who are taking part in the festival.

Our Yukon writing community includes all ages and genders of writers, many of them prize winners. We have playwrights, poets, short-story writers, novelists, journalists, columnists, editors and scholars of whom we are proud. Just within a one-block radius of my home in the downtown core, we have a poet and we have an author — one of the authors who was mentioned here, Ms. Genest, will be one of the featured authors there. If we looked around our neighbourhoods, we would probably find writers in every nook and corner.

It's interesting, Mr. Speaker. I go into the bookstores on a regular basis. I'm an avid reader. I was in Well-Read Books a couple of weeks ago, and up on the shelves in one of the sections, I noticed Yukon books written by Yukon writers. Last night, out of curiosity, I went into Mac's bookstore on Main Street to see what kind of presence Yukon writers actually have that people can access through the stores. When I walked into the store, the first display had books authored by Yukoners. I walked over to the northern section, and there on the wall were many, many books on the north written by northern writers. I walked down to the children's section, and there up on the wall I counted at least six, seven novels — young children's novels and illustrated books that were written by northern writers. I walked over the mystery section, and there, sure enough, were Yukon writers present and prominent. People can access this; this is a wonderful thing to see within Yukon, the exposure that the people are getting.

I'm sure if I had wandered around the magazine section, I might have found some magazines produced by Yukon producers and Yukon writers, or full of Yukon writers. I know they're there.

We have a tremendous presence and it continues to grow. I can guarantee you, 10 years ago I could have gone into that same book store and maybe only found one or two books. So it is growing.

Writing is a lonely profession, but local support for novice writers is exceptional. A group e-mail list communicates about current writing courses, issues, events, contests and congratulations on successes. The Whitehorse library holds a periodic writers summit, which allows writers to share their views and events. Local volunteers organize writing conferences, where invaluable contacts are made and helpful advice is given.

In closing, we on this side would especially want to thank Joyce Sward, who has been instrumental in organizing the Writers Festival for over two decades.

We are grateful for her energy, time and wonderful support and enthusiasm. Volunteers like Joyce inspire our new writers to keep on with their dreams.

Speaker: Any further tributes?
Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Rouble: Thank you, Mr. Speaker; I would ask all members of the Assembly to join me in welcoming Whitehorse resident and University of Northern British Columbia political science student, Mr. Jeff Kormos.

Applause

Speaker: Further introduction of visitors?
Returns or documents for tabling.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Kenyon: Thank you, Mr. Speaker, I have for tabling today a report released by Statistics Canada entitled, "Gross Domestic Product by Industry: Province and Territories", showing the decline of the gross domestic product in all jurisdictions except Prince Edward Island and the very best in Canada, Yukon.

Hon. Mr. Rouble: I have for tabling the annual report for Yukon College for 2008-09 and its audited financial statements.

Hon. Mr. Hart: I have for tabling the Yukon Child Care Board annual report for 2008-09. I also have for tabling the Yukon Health and Social Services Council annual report for 2008-09.

Mr. Inverarity: I have for tabling a copy of the Yukon visitor statistics for 2009.

Speaker: Are there any further documents for tabling?
Are there any reports of committees?
Are there any petitions?
Are there any bills to be introduced?
Notices of motion.

NOTICES OF MOTION

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

THAT this House urges the Government of Yukon to explore using the Northern Institute of Social Justice to expand its curricula for training people who work with fetal alcohol spectrum disorder clients.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to consider women's shelters and other victim support agencies first when looking to donate items constructed by inmates of the new correctional and treatment facility as part of their employable skills training programs.

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

THAT this House urges the Yukon government to take the lead in establishing a fund for a permanent memorial for workers killed or injured on the job and to engage the Yukon Workers' Compensation Health and Safety Board, labour unions, businesses and the public in financially supporting such a memorial.

Speaker: Any further notices of motion?
Is there a statement by a minister?
Hearing none, that brings us to Question Period.

QUESTION PERIOD

Question re: Tourism statistics

Mr. Inverarity: The Minister of Tourism has been given a report card by her own officials and she has a failing grade in every subject. Under her watch, we have fewer visitors across the board — that's fewer air travel arrivals, fewer marine arrivals and fewer border crossings. Visitor numbers are down for the second year in a row and are actually lower than when the Yukon Party took office eight years ago. We know that last year's numbers are down because of global recession. The question is, what action is the minister taking now to avoid another dismal summer tourist season?

Hon. Ms. Taylor: I would like to point out for the member opposite that Yukon is not unlike other jurisdictions in this country, as well as North America and worldwide. Yukon and the rest of the world have been subjected to a number of challenges over the last number of years, starting from 9/11, to the SARS outbreak, to fluctuations in exchange rates, to fluctuations in fuel prices — the list goes on, not to mention the least of which, a global economic recession.

The Yukon has indeed fared relatively well compared to other jurisdictions in the country as well as jurisdictions in North America. What this Government of Yukon has done and will continue to do is to work in collaboration with the tourism industry to ensure that all the delivery of our tourism marketing programs is industry-led, market-based and research-driven. We will continue to place our resources where there is the best return on investment, and that includes the domestic market, overseas markets, conventions, meetings and incentive travel. And it includes many others.

Mr. Inverarity: Tourism officials confirmed that the downturn in the U.S. was a prime cause behind last year's poor performance. The minister agrees, too, even breaking ranks with the Premier. He promised that the Yukon didn't have to worry about the downturn. It would be easy to blame the downturn for another year's bad numbers, but Yukon tourism operators can't afford fewer visitors for a third year in a row. Again, is the minister going to take action now to salvage this summer's tourist season, or is she going to continue to blame others for its poor performance?

Hon. Ms. Taylor: Well, Mr. Speaker, there is no blame game over on this side of the House. In fact, what we are doing instead of pointing fingers at each other — we are in fact working with industry to address these very challenges that are being experienced by every other jurisdiction in this country and every other jurisdiction in the world.

One of the moves that the Department of Tourism and Culture has done, in collaboration with industry, is develop a marketing plan to attract more Canadian travellers from the market areas with the highest designations, which include our gateway cities of Calgary, Edmonton and Vancouver, and, to a degree, the greater Toronto area.

We have also chosen to invest additional dollars in our tourism cooperative marketing fund, so that our individual tour operators are able to continue to leverage the marketing reach of our potential. We continue to work with our northern sister territories, and we continue to work with the State of Alaska

and their travel industry on marketing programs that continue to deliver return on investment.

Mr. Speaker, we are doing good work with industry, and we continue to raise the bar in terms of the level of investments for marketing.

Mr. Inverarity: Mr. Speaker, what we are looking for here is a contingency plan to get through this summer. In the past two years, the Tourism minister spent over \$20 million and got 50,000 fewer visitors in return. That is not a good investment.

Yesterday she promised that she was going to — and I quote — “We are continuing to ensure that our investments are sound and that they have a solid return on investment ...” It was mentioned again here this afternoon. We need action in time for this summer's tourist season. We need to know what the contingency plan is to get tourists to the Yukon. When will the minister admit that the current plan isn't going to take action this year and isn't going to boost this summer's tourist season?

Hon. Ms. Taylor: Well, Mr. Speaker, it's really unfortunate that the member of the Liberal Party does not recognize the importance of tourism marketing. It's unfortunate that the Liberal Party does not recognize the importance of the Department of Tourism and Culture, its mandate and its objectives, which are to provide tourism marketing to market the Yukon in all of its unique attributes as a destination of choice. It's unfortunate that the member opposite does not recognize the importance of the Tourism Industry Association of the Yukon and the role the Senior Marketing Committee has to play in terms of developing, in collaboration with industry, implementing and evaluating all of our tourism marketing programs.

I only have to ask one question to the Member for Porter Creek South. Who are Yukoners going to believe — the Member for Porter Creek South and his Liberal Party caucus members, or the tourism industry?

Question re: *Civil Forfeiture Act*

Mr. Inverarity: Mr. Speaker, is the Minister of Justice aware of the groundswell of opposition toward the way this government is saddling Yukoners with the *Civil Forfeiture Act*? Our phone is ringing with complaints, flyers are being distributed as we speak, and a media campaign is even being developed. We know that a group of concerned citizens are organizing a public protest to take place in front of the Legislative Assembly on May 6, 2010.

Does the minister understand that Yukoners need to have input into how the *Civil Forfeiture Act* will impact innocent people? Will the Minister of Justice do the right thing and seek public input on this legislation?

Hon. Ms. Horne: As I said in this House before, we have had consultation, we have had targeted consultation and if the member opposite, the Member for Porter Creek South, and the Liberal Party say that they represent Yukoners, then they should be coming forward with their suggestions where they think the act should be —

Speaker's statement

Speaker: Order please. Before the honourable member asks his next question — members, please respect the rules of the House and remain silent when another member is speaking. You have the floor, Member for Porter Creek South.

Mr. Inverarity: The minister should be listening to the people out there.

What they're looking for is advocacy, representation and an ability to appeal for innocent Yukoners. The Minister of Justice cannot stop Yukoners from speaking out and she should not prevent Yukoners from being heard. Yukoners want to be heard; they feel their civil liberties are at risk and innocent people believe that their property will be taken from them.

The *Civil Forfeiture Act* will effectively make property guilty until proven innocent, and the Yukon government doesn't have the decency to give Yukoners a say in this decision. We want to be tough on crime. We want to demonstrate that crime doesn't pay; however, we also want to have a say in how this happens.

Public consultation is needed and has not been done. Will the Minister of Justice listen to Yukoners?

Hon. Ms. Horne: As I said, we are listening to Yukoners. The members opposite represent Yukoners in their riding. If they are hearing from Yukoners, please pass on the amendments they would like to see brought forward.

We do not want crime to be profitable in Yukon. We are taking steps to do that. We are protecting Yukoners. We have heard from Yukoners that they want a crime-free Yukon. They want a safe place to raise their children, to raise healthy families. We have healthy communities and a healthy Yukon, as a consequence.

Mr. Inverarity: Mr. Speaker, in the four years that I've been a member of this Legislative Assembly, every single amendment that we've put forward on any act in this House has been rejected by this government. So why should we keep banging our heads against the wall? We have repeatedly asked the Minister of Justice to withdraw Bill No. 82, the *Civil Forfeiture Act*, pending public consultation. It is typical of this government to just say no. It is typical of this government to be deaf to Yukoners. A public rally and a protest are being organized to oppose this legislation. This government is simply indifferent to the concerns of innocent people. Yukoners want a say in this. We have a right — they have a right to be included in this decision and we deserve some straight answers. Will the Minister of Justice respect the rights of Yukoners or is the government planning to take that away too?

Hon. Mr. Fentie: Mr. Speaker, I would advise and would hope that the Member for Porter Creek South would come down a little and recognize the valid information and the facts. This bill is before the House because it is the child of this Legislative Assembly and a unanimous motion, agreed to in this House, I believe in the last sitting. For the member to suggest that this government does not accept valid, constructive suggestions from the Liberals and indeed, any member in this House who sits in opposition, is incorrect.

This Legislative Assembly, under the leadership of the Yukon Party government, has passed more unanimous motions than ever in the history of this Assembly. This Legislative Assembly, under the leadership of the Yukon Party government, has passed bills brought forward by private members.

At least the member should allow for the Assembly to have a debate based on the facts. The facts are that civil forfeiture is before us because of this Assembly and all the members. Secondly, we are working with the members of this House to ensure the bill is indeed right and in the best interests of Yukoners and, of course, the underpinning is that criminals should not profit from crime.

It's time for the members, the Liberals, to be more constructive.

Question re: Workplace safety

Mr. Cardiff: On this 26th Day of Mourning, the number of people killed at work each year in Canada has risen, in each year, for the past 15 years. This is in contrast to almost every OECD country, where the incidence of workplace fatalities is declining. This is despite some of the best legislation and practices in the world.

Here in the Yukon, just a few weeks ago, the president of the Yukon Workers' Compensation Health and Safety Board admitted that the injury rate in Yukon continues to rise.

The number of injuries is the same as this time last year, but the workforce is smaller. Can the minister tell us why the injury rate is going up, despite claims that the government is taking action, and what this government is going to do to decrease the rate of injury and death and increase workplace safety?

Hon. Mr. Hart: Mr. Speaker, I thank the member opposite for the question, especially given that today is the Day of Mourning. It was evident this morning, basically covering a good cross-section of Yukoners making their commitment to making our workplaces safe, covering all aspects — covering employers, covering chambers of commerce, covering the government, covering young people and also covering labour. I think we are all making that progress. This government is totally committed to providing a safe workplace. We are working together with those in the industry to ensure that we can keep our workplaces safe. We are doing our utmost to ensure that we provide education to the employers and to the employees to ensure that the workplace that they are working in is safe.

Mr. Cardiff: Despite what the minister said, the statistics say that injury rates are continuing to rise and it's clear that we are a long way from creating a culture of safety. We have lots of work to do as a society on the legal front in prevention and in education to create a culture of safety that sees injuries and deaths on the job cut dramatically or done away with completely.

We think that creating a permanent public memorial for workers killed or injured on the job would be one small action this government could agree to on this day. Labour would like to see it happen; workers would like to see it happen. It would be a powerful year-round reminder for workers, government, for managers, business owners, and for youth just entering the workforce.

Has the government met with labour to advance this initiative, and can we get a commitment on the floor of the Legislative Assembly today that a permanent memorial for workers killed or injured on the job will be in place for next year's Day of Mourning ceremony?

Hon. Mr. Hart: I thank the member opposite for his question. I also thank the member opposite for his suggestion. I'm perfectly open to sit down and have a discussion with all those concerned with regard to the memorial. I don't see any kind of difficulty in that process. Yes, we'll sit down and have a discussion with stakeholders and look at that possibility.

Mr. Cardiff: I thank the minister for his answer and I would encourage him to do so as I've done in past years.

Mr. Speaker, Bill C-45 changed the *Criminal Code* in response to the Westray mining disaster in Pictou County, Nova Scotia in 1992. Also known as the *Westray Act*, employers and managers could face prosecution for criminal negligence if their actions or lack thereof led to workers' deaths on the job. The Yukon Federation of Labour president has suggested that there needs to be resources within the RCMP, Occupational Health and Safety and Justice department to meaningfully make determinations of employer responsibility in workplace fatalities.

Has the Minister of Justice studied this issue, and what steps has she taken or is she willing to take to ensure that in the Yukon violations of Bill C-45 are prosecuted properly?

Hon. Mr. Hart: I will also indicate that the member opposite is discussing a situation that is actually handled by the federal government through the RCMP. I will also indicate, Mr. Speaker, that with regard to a recent incident in a mining process with regard to a death that the local RCMP dispatched their people immediately to that facility.

They took charge of that investigation. They sent their top people, along with forensic people, to that facility to ensure that the appropriate measures were being taken at that facility. Right now, Occupational Health and Safety officials are at that facility. The construction underground at that facility is actually halted until such time as our investigation is complete and the Occupational Health and Safety officer indicates that it is okay for workers to go back into the workplace in that facility.

Question re: Agricultural infrastructure

Mr. Cathers: The Yukon's agriculture industry has a lot of potential for growth, but is decades behind southern Canada when it comes to infrastructure. When I was Minister of Energy, Mines and Resources, we recognized the needs and opportunities of this sector by adding a new program objective for the Agriculture branch; namely, to support the development of infrastructure that encourages increased local food production and improves food safety and security. We also added a commitment in the departmental plan to work with the industry to develop agricultural infrastructure, including a multi-use facility. Is that commitment still in the departmental plan or has it been removed?

Hon. Mr. Rouble: Mr. Speaker, this government firmly believes in the role that agriculture has to play in diversifying the economy of Yukon and also in meeting the food needs of Yukoners.

Mr. Speaker, of course, the Department of Agriculture is still continuing to work with our farmers, our stakeholders, our market people on looking at appropriate infrastructure, whether that be a permanent docking station for the mobile abattoir or local food production inspection facilities or additional resources for local farmers markets. We have a wide range of areas and tools that we're looking at in order to support agriculture in the Yukon to ensure that Yukoners have access to healthy, locally grown produce. Of course we're continuing on with the good work that the Yukon Party government has started in this area.

Mr. Cathers: The staff of Energy, Mines and Resources, particularly staff of the Agriculture branch, should be commended for the excellent job that they did in negotiating the Growing Forward agreement with the federal government. We also owe a big thank you to Minister Strahl, who as then Minister for Agriculture, listened to people, including me, the Member for Porter Creek Centre and Yukon farmers and took the steps to ensure that this new federal funding agreement was specifically designed to be flexible enough to support Yukon's need for infrastructure funding. The Growing Forward agreement commits \$987,000 per year to Yukon's agriculture sector. Is the minister working with industry to develop the infrastructure we need to improve food safety and security and enhance access to markets and, if so, what steps are currently underway to ensure that the Yukon uses the federal money to develop infrastructure rather than sending the cheque back to Ottawa, unspent?

Hon. Mr. Rouble: I'll be glad to get into some of the specifics during budget debate but, for the member opposite, we're continuing to work with the federal government on the Growing Forward program. Some of the initiatives we're looking at are a permanent docking station for the mobile abattoir, in order to facilitate the processing of meats closer to Whitehorse. We're also looking at ways of enhancing marketing opportunities, whether it's through supporting farmers market types of initiatives or enhancing the inspection of foods so that local Yukoners can benefit from locally grown meats and produce.

Mr. Cathers: The Yukon's agriculture industry will probably never be in the business of exporting very many products, but it has significant potential to grow to fill more of our own needs. Producing food locally improves food security and traceability; it makes us less vulnerable to disruptions in food supply; and it reduces the risks from problems in major processing facilities, such as the listeriosis tragedy.

It is also environmentally sound, reduces our reliance on food trucked from thousands of miles away and reduces the carbon footprint that causes — and, of course, the money stays in the Yukon economy.

Development of a multi-use processing facility is a top priority of the Yukon Agricultural Association. What steps is the minister taking to develop a multi-use facility and to establish a structure for running it that involves farmers and its management and encourages producers to make their own investments in that facility? Will he assure me that this facility is still a priority and has not been put on a back burner?

Hon. Mr. Rouble: The Government of Yukon and Energy, Mines and Resources will certainly work with farmers, producers and retailers to address the needs. In fact, this coming weekend I will be meeting with the Yukon Agricultural Association, and I expect to have a discussion with the farmers and producers on these very issues. We will certainly once again reaffirm our commitment to work with them, to establish appropriate infrastructure, to provide support for locally developed produce and meats, because, in addition to the good reasons that the member opposite just mentioned, the other one is they taste a lot better too.

Question re: Health insurance survey

Mr. Elias: I have some questions for the minister responsible for Health and Social Services. I've had a number of constituents contact me about a survey they received in the mail from the minister's department. It states that the Yukon Bureau of Statistics is conducting a survey on behalf of Insured Health and Hearing Services under the authority of the *Statistics Act*, section 3(1), and the *Health Care Insurance Plan Act*.

Near the end of this letter to Yukoners, in bold and underlined, is this statement: "If you do not sign and return this card, your health care coverage could be cancelled." And "cancelled" is in big, bold letters. I can't believe, Mr. Speaker, that this government is threatening to cancel the health care coverage of Yukoners over not completing a survey. Can the minister shed some light on why Yukoners are receiving this threatening correspondence from his department?

Hon. Mr. Hart: With regard to the Bureau of Statistics information, we are going out, trying to clarify with our clientele throughout the Yukon, just to basically get confirmation of addresses and that they remain Yukon citizens, to ensure their health care cards are being sent to the places they should be, to ensure that all those who require health care assistance are receiving same.

Mr. Elias: Some elders in Old Crow are stressed out and scared by this warning, and I am sure other Yukoners feel that way as well. I ask the minister to put himself for a moment in the shoes of an elder who has received this intimidating and heavy-handed warning from his department — an elder who has limited understanding of English and French, an elder who has served and lived in their community their entire lives, an elder who may not understand the letter, ignore it and in their moment of need, they are told they don't have health care coverage because they didn't respond to a survey.

This is outrageous. I want to know where the Minister of Health and Social Services gets the authority to threaten to cancel any Yukoner's health care because they didn't fill out and return a survey.

Hon. Mr. Hart: I think the member opposite has to just read his own response here in the House. It says "could" end the process — "could" in dealing with the situation. We are looking at ensuring our data is up to date and current with our registering of health care services for all Yukoners. In many cases, especially when it comes to First Nations, that's the responsibility of the federal government. We are providing services here in the Yukon on behalf of First Nations — all citizens of the Yukon — whereby we take our information and we

request monies back from the federal government in order to assist in ensuring that all Yukoners, First Nations included, receive health care immediately. We await the response as accounts receivable from the federal government to get those monies returned to us to ensure that we are providing excellent service to all Yukoners, including First Nations.

Mr. Elias: Can the minister not see that the letter that is coming from his department is threatening to Yukoners? Yukoners are concerned about this letter because it says again, "If you do not sign and return this card your health care coverage could be cancelled." Mr. Speaker, this is ending up in the mailboxes of my constituents who are elders and don't understand English and French. They are scared of a letter that is coming from the minister's office. What is he going to do about it?

Hon. Mr. Hart: For the member opposite, we are looking at providing, again, stats for our department to ensure that people are where they say they are. We are trying to get the correct addresses. We are trying to ensure that people on our list are still Yukoners and we are following up on that information. The Bureau of Statistics is utilizing this information to assist themselves with population aspects to ensure that certain areas via the health care card and those numbers are being included and verified to that process. Again, that helps us in our population count in addition to providing valuable information for our data centre to ensure that the cards are being sent to the places where they should be and that people are still Yukoners who are receiving our health care system.

Question re: Health care facility costs

Mr. Fairclough: Last Friday, the former chief of medical staff at the Whitehorse General Hospital voiced his opposition to the government's plans to borrow money to build hospitals in Dawson City and Watson Lake. He called it "wishful thinking." Based on the answers Yukoners have been getting from this government on this issue, I think he's right. The government is borrowing \$50 million for these new buildings and has failed to justify why they are needed. The plans seem to be right out of the *Field of Dreams* — "If you build it, they will come," or in this case, "If you build it, we will save".

When the Premier addressed the Chamber of Commerce last month, he told Yukoners these facilities will save money in the long run because they will reduce medical travel costs.

Can the minister provide any proof to back up the Premier's statement that building these hospitals will save money?

Hon. Mr. Hart: I thank the member opposite for the question with regard to building these two very valuable facilities in these two regional areas, Watson Lake and Dawson City. These facilities will provide great infrastructure for those small regions.

They'll provide infrastructure long into the future. They'll provide infrastructure and services — enhanced services — to those regions. In fact, just recently, the hospital in Watson Lake was fortunate enough to deal with a situation that happened in the mine in that area. We looked after those individuals in question and they were handled from the Watson Lake hospital.

Mr. Fairclough: The minister's answers didn't provide any proof to back up the Premier's statement. When will

we get that? The Premier has been telling Yukoners that building these hospitals will save money and the minister can't back up that claim or provide us with any studies or information on it. The former chief of medical staff at the Whitehorse General Hospital called the government's plan "wishful thinking".

I can sympathize with the minister because he inherited this mess. The decision to build these hospitals was a political one made in the corner office, and the minister has been left holding the bag for the Premier's bad decisions. He's even spending \$80,000 on a PR campaign trying to justify it to the public.

Can the minister provide Yukoners with any cost-benefit analysis for this decision?

Hon. Mr. Hart: Mr. Speaker, I thank the member opposite for his question again. We have gone over this question many times in the House. We provided the members opposite with many issues. We also provided witnesses from the Hospital Corporation who have answered this question many times for the members opposite with regard to both facilities in both regions, in addition to providing the information that the member opposite has even asked. The witnesses did provide indication to the opposition with regard to savings with regard to medevacs, and it is not just medevacs within or out of the Yukon; it is also medevacs from those regions. The big factor here, Mr. Speaker, is ensuring that people with cancer, for example, in Watson Lake get that treatment down in Watson Lake instead of having to travel all the way to Whitehorse for their weekly process and then heading back all the way to Watson Lake. They will be able to achieve that process in Watson Lake in the future, Mr. Speaker, and I am sure that those people who are going through that process will enjoy that particular service.

Mr. Fairclough: Well, again, the minister can't provide any cost-benefit analysis to us or the public. Now, the Yukon Party government is going for broke and spending money it doesn't have to build \$50 million worth of new hospital. The former chief of medical staff at the Whitehorse General Hospital says the government is building the wrong kind of hospitals.

The public trusts doctors about health care and they don't trust this government. Unfortunately for the minister, he is left carrying the can for the Premier's political decisions. During a briefing with officials, we asked for any studies to back up the Premier's claim that these hospitals will save money. Officials say they didn't have any and they didn't know whether the Hospital Corporation had any either.

All indications are that these facilities will cost even more money. The capital cost is huge and the O&M for these new facilities will be much larger than it is now. Will the minister table any information that backs up the Premier's claim that money will be saved?

Hon. Mr. Hart: I thank the member opposite again for his question. With regard to these two facilities, we are moving forward on these two infrastructures within these two areas. We intend to follow through with the process. In both cases, we were in the process of looking at rebuilding both those facilities — one in Watson Lake, as well as the nursing

station in Dawson City. The facility in Watson Lake has been proven to be acceptable to being converted into a hospital and that process is underway.

A substantial amount of work was done by the Yukon Hospital Corporation to address that issue to ensure that the hospital services could be maintained in that facility. There was also consultant work done on the actual shell of that building so it could be converted, and we will be utilizing that facility also to ensure other aspects of health care will be provided in that facility, other than a hospital, and we plan to do that. We're also going to deal with the same or similar situation in Dawson City, whereby we are looking at the replacement of the health care centre and looking at the hospital and that facility, as well as other hospital and health care facilities, to provide great services and enhance services.

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

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 1050

Clerk: Motion No. 1050, standing in the name of Mr. Mitchell.

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

THAT this House urges the Commissioner in Executive Council to call a public inquiry, under the *Public Inquiries Act*, to investigate all matters relating to the death of Raymond Silverfox on December 2, 2008 while in RCMP custody, in order to:

(1) determine whether there were steps that should have been taken in the care and custody of Mr. Silverfox that would likely have prevented his death;

(2) determine whether changes made in RCMP procedures for dealing with people in custody since the death of Mr. Silverfox are sufficient to prevent the occurrence of a similar incident involving the death of individuals in custody; and

(3) consider what additional steps, including but not limited to, the establishment of a Yukon Independent Civilian Oversight & Advisory Board, should be taken to improve the treatment of people held in custody by the RCMP.

Mr. Mitchell: Mr. Speaker, it is with great sadness and a sense of solemnity that I rise in this Assembly to speak to this motion today. Over the past two weeks, we have learned a great deal about the final hours of the late Mr. Raymond Silverfox. We have learned but a little about the man, the parent and the brother who spent his last hours in a cell in the Whitehorse detachment on December 2, 2008. We have learned a little about Mr. Silverfox's family and his First Nation. We have learned a little — perhaps too little — about ourselves, our community and our society.

Over the past two weeks we have heard from many Yukoners. Many Yukoners — First Nation and non-First Nation, young and old, from many walks of life, people of all political persuasions — have approached me in public, in the stores, in coffee shops and on the streets. I expect it has been the same for every member of this House. Yukoners have expressed their sadness and grief. They have expressed surprise, shock, dismay, embarrassment, and in some cases, anger at the things they heard during the coroner's inquest last week. They have been shocked and sickened by what they heard on the radio in the morning interviews, by what they have read in the newspapers, and by the terrible evidence that emerged during the inquest.

I want to make it clear that I don't raise this issue today to cast any blame — and certainly not on the government of the day. What occurred is not a Yukon Party problem. It is not a New Democrat problem. It is not a Liberal problem. It is a problem for all of us. It is a burden for all of us. It speaks of a responsibility for all of us. Yukoners are looking for answers. Yukoners are looking for reassurance. Yukoners are looking for solutions.

We are not here today to criticize the work done by the six jurors who served in the coroner's investigation. They did their job to the best of their abilities. They dealt with the evidence presented; they listened to audio tapes and testimony and they made their findings.

Here is what they found: "The undersigned coroner ..." and the six jurors are then named "... being duly sworn and charged to inquire for Her Majesty when, where, how and by what means the said Raymond Silverfox came to his death, do upon their oath say that the said Raymond Silverfox died at Whitehorse in the Yukon Territory on the 2nd of December, 2008, at approximately 21:13 o'clock in the afternoon, as a result of natural causes."

It's one page, Mr. Speaker, and another page with four recommendations.

Yukoners are left feeling empty. They are looking for leadership. There are 18 leaders in this Assembly. Every one of us needs to look within our hearts and ask what we can do, how we can help, how we can serve. We have great privilege serving in this Assembly.

With privilege comes responsibility. It is our responsibility as leaders to look at our role. What opportunities do we have to make a difference? How can we act to ensure that such a terrible event never happens again in Yukon? These are questions that I have been asking myself over the past days and weeks. I imagine most members in this Assembly have asked themselves similar questions.

Some will say that there has been a coroner's inquest and there will be a review of policing in Yukon and of the role of the RCMP and that is enough. After much consideration and considerable anguish, I must disagree. It is not comfortable to look into this matter and to discuss the terrible treatment that Mr. Silverfox endured for 13 hours in December 2008. It is a little like coming upon a car wreck — a terrible accident. Our first impulse is to look away, to avert our eyes.

No one wants to criticize the RCMP. We were raised to respect the RCMP and they have earned our respect over the years with their efforts to protect us and, in some cases, with their lives. RCMP officers we know, current and retired, are also horrified by what happened in this case.

To his credit, the commanding officer of M Division has apologized to the family of Mr. Silverfox for what happened. That is a start, but it is not enough.

We can't avert our eyes because we have a responsibility to stare at the horrible details and redouble our efforts to ensure they are never repeated. And we have a tool — we have the *Public Inquiries Act*. This tool, this act, is a much stronger tool than the limited tool of the coroner's inquest. The coroner's inquest had a very narrow mandate — to determine a cause of death. This act can help to shine a light on the dark events of December 2, 2008, so we can examine them, understand them, and determine what has gone wrong in our society and in the role played by the RCMP and by the guards who had the responsibility to care for Mr. Silverfox and to take strong actions to repair what is broken and to fix what is failing, so that we don't make the same mistakes again.

There have been deaths of people in custody in Yukon before this. I believe there have been four over the past 10 years. Each time, there was a coroner's inquest. There were no public inquiries.

Each time, people said they were sorry, meant it genuinely and pledged to do better. But they did not do better for Mr. Silverfox and that is why we must go one better now and call for a public inquiry into his death.

Mr. Speaker, the RCMP are pledged to serve and protect. Once Raymond Silverfox was locked in his cell, there was only one Yukoner who needed protection, and that was Mr. Silverfox. He was a threat to no one but himself and we failed him. The "we" is a collective we, Mr. Speaker. The individual RCMP members who were on duty that day and in charge of the cells failed him. The civilian guards who were charged with looking after his welfare failed him. The watch commander failed him and acknowledged this fact with her tears, which shows she understands this was a human being and a human tragedy. Yukoners who have heard stories of poor treatment of intoxicated persons in the past and did not act failed him. Legislators who are prepared to say each time a death like this occurs, "That is a terrible shame. It should never happen again. Now let's move on," failed him.

If we don't act to ensure that real changes are made in the way we look after our fellow Yukoners and how we treat them, we will no doubt fail again.

We are asking to call a public inquiry under the *Public Inquiries Act*, to investigate all matters relating to the death of Raymond Silverfox while in RCMP custody, in order to determine whether more could have been done to prevent his death, if sufficient changes have been implemented since December 2, 2008, to prevent a recurrence of a similar incident involving the death of a person in custody, and to determine what further steps should be taken to improve the treatment of people while in police custody.

Under the *Public Inquiries Act*, the Government of Yukon has the ability and the authority to call a public inquiry into any matter of public concern. Section 2 of the act reads, “The Commissioner in Executive Council may cause an inquiry to be made into any matter

“(a) connected with the conduct of the public business of the Yukon; or

“(b) of public concern.”

Section 3 of the act states, “The Commissioner in Executive Council may appoint a board of one or more persons to make an inquiry and report thereon to the Commissioner in Executive Council.”

Under section 4, it says, “Every board shall have the power, subject to reasonable notice, of summoning any person as a witness and of requiring them to give evidence on oath or affirmation and to produce any documents and things the board considers necessary.”

And under section 5, “Every board shall have the same power as is vested in a court of record in civil cases

“(a) to enforce the attendance of persons as witnesses;

“(b) to compel them to give evidence; and

“(c) to compel them to produce documents and things.”

We believe this is of utmost concern to the public. Yukoners are very upset about the death that occurred. The coroner’s inquest has been full of very disturbing testimony and people are shocked at what went on. I’ve had many conversations with Yukoners with the same incredulous sentiment coming from all of them: how could this happen and how can we make sure this never happens again?

Yukoners want to be assured that a tragedy like this never does happen again. A public inquiry, under the *Public Inquiries Act*, would be conducted by a neutral and independent body, not the RCMP or the Yukon government. This independence would ensure that there is no public perception of a conflict of interest. That is key and that is what Yukoners are looking for.

The coroner’s inquest, with its narrow mandate to determine cause of death, raised as many questions as it answered. The main question remaining on the minds of so many Yukoners is this: could this death have been prevented? A public inquiry, which is far broader in scope than the coroner’s inquest, could answer that question. While the coroner’s inquest made four recommendations that are intended to lessen the chance of a similar event ever again taking place, we have already heard many additional suggestions about how things could be improved.

A public inquiry could examine those suggestions in greater detail and make additional recommendations. A public inquiry could examine the overall procedures that are in place at the RCMP for the care of prisoners in their custody and determine whether they are adequate and sufficient to prevent death or injury to people while in custody. It can call any and all witnesses, which means experts from beyond Yukon — anyone who can provide information on how people are treated in custody in other jurisdictions, not just what occurred in Yukon on December 2, 2008.

Mr. Speaker, the death of Mr. Raymond Silverfox occurred on December 2, 2008, while he was in police custody. He was

in custody because the authorities were called to remove him from the Salvation Army premises, and he initially refused the option of being taken to the Whitehorse General Hospital. Under existing procedures, the only other alternative is to be taken to the RCMP detachment and placed in what is commonly referred to as the “drunk tank”. There are some obvious questions that arise with this being the only two alternatives available.

On the afternoon of Friday, April 23, 2010, the coroner’s inquest looking into this death wrapped up. The inquest learned that Mr. Silverfox was left largely unattended in the drunk tank in his cell for about 13 hours. He was found unresponsive in his cell and was rushed to the hospital, where he later died. The events we are talking about occurred some 16 months ago. There were questions raised about this event at the time and in this Assembly, but Yukoners, including most MLAs, accepted that we would await the coroner’s inquest before taking any further action.

The Yukon government, and ultimately the Minister of Justice, is in charge of the policing contract with the RCMP. The minister has the responsibility to make requests of the RCMP with regard to that contract. For example, in the past, there have been requests to the RCMP to put more focus on achieving a reduction in street crime. That is an example of how government can provide direction to the RCMP. The Yukon government works with the RCMP to ensure local accountability and values are addressed through identified policing priorities.

This Assembly and all Yukoners who have been following this tragedy need to be informed by the minister whether there have been changes made in RCMP procedures for dealing with people in custody. The minister also needs to inform Yukoners of whether these changes are sufficient to prevent another death of an individual while in custody. Yukoners need to know what has changed since the death occurred in terms of the treatment of individuals who find themselves in cells.

Mr. Speaker, quoting from Monday’s *Hansard*, the Justice minister stated, “Last week we had an announcement that the RCMP and the Yukon government are going out for consultations with Yukoners to review this very thing.” The minister also stated, “I look forward to the review that is going on throughout Yukon.”

We believe this review should have started around 16 months ago, Mr. Speaker. We are 16 months from this tragedy and the minister has not informed us of what specific changes have been made in RCMP procedures for dealing with people in custody to prevent the recurrence of a similar incident. The government needs to give direction to the RCMP sooner rather than later to avoid another tragedy.

The minister and the RCMP jointly announced the review of policing in Yukon that will be undertaken over the coming months. The minister has stated that this review should be sufficient to answer any and all questions, but we are concerned that this review is far from independent. Last week when we debated the motion to undertake this review, members of the Official Opposition and the Third Party attempted to amend the motion to ensure that it was more inclusive. The government voted down those amendments, which concerns us that this

review will be very much controlled by the Yukon government and the RCMP.

There is no way of knowing how much focus will be placed on addressing the questions that exist among the public about this latest death.

The Yukon public is very skeptical of authority right now, Mr. Speaker, whether that is the Yukon government or the RCMP. This is another reason to hold an independent public inquiry under the *Public Inquiries Act*. We know that currently there is great frustration among many Yukoners with the status quo. Improvements need to be made. What improvements have been made to date? Yukoners don't want to hear that they have to wait 16 months for an inquest to be done and now they have to wait even longer for changes to occur. Surely it did not have to take an inquest to recognize that the system was flawed.

Mr. Silverfox was not the only person who has passed away while in custody. We're not trying to lay blame for these deaths but we are stating that something needs to change to make sure all that can be done is being done to prevent further deaths. In order to maintain public confidence, Yukoners must be assured their public safety priorities are being met. A public inquiry would be able to consider what additional steps should be taken to improve the treatment of people held in custody by the RCMP. This could include but is not limited to the establishment of a Yukon independent civilian oversight advisory board such as was recently suggested by the Member for Vuntut Gwitchin.

An independent and non-related party could help to assist the RCMP in their community-based relationships. This is done in other jurisdictions.

One suggestion that has been made by the Member for Mount Lorne is to consider the establishment of a dedicated detoxification unit where people could be sent to receive care and medical treatment rather than sending intoxicated people into police custody. We think this is a good idea that merits further discussion. We look forward to hearing more about this from the Member for Mount Lorne.

Mr. Speaker, we believe the RCMP might also welcome this idea, which would free them up to fight crime, which is their true role. As stated, we've read the findings of the coroner's inquest and we've heard from many Yukoners, and Yukoners feel that it's not enough. The coroner's inquest presented four recommendations, three to the RCMP and one to the commissionaires. The first recommendation is for the RCMP to establish a community consultative group which will include First Nations, the medical community, the Yukon government and the Salvation Army.

The CCG will review the issue of public intoxication and provide possible alternatives to incarceration and speak to the medical care of intoxicated persons in the Yukon.

Mr. Speaker, while this recommendation is a good start, we need to deal with the current reality. The current situation is that intoxicated people are incarcerated. This means there must be more concentration on the care of intoxicated people when they are incarcerated. A public inquiry could and should concentrate on dealing with the treatment and care of intoxicated individuals in police custody and how to immediately improve

policies and procedures to ensure better treatment and better outcomes.

The second recommendation is for the RCMP to ensure regular joint health and safety committee meetings are held monthly and include a guard representative.

This raises some questions as well. "Joint" with whom? Will the guard representative report and train other guards as a result of these meetings? This, too, is quite vague, Mr. Speaker. A public inquiry could take information from other jurisdictions and experts to create a more precise recommendation for the RCMP.

The third recommendation is for the RCMP to increase guard staffing levels. That is another good recommendation, but it doesn't go quite far enough. The guards must be properly trained — trained in handling intoxicated individuals who are primarily a threat to themselves, not to anyone else.

They should be trained in recognizing the medical needs of incarcerated individuals and know how to act quickly when those individuals exhibit signs that they require acute medical care. A public inquiry could point out other areas that the staff should be trained in, as they could interview a wide range of experts from outside the RCMP institution.

The fourth recommendation is for the commissionaires to review guard compensation and training requirements. A public inquiry could investigate specific training requirements, look at what's done elsewhere and make compensation recommendations that would update the current procedures used for incarcerated intoxicated individuals.

A public inquiry would answer a lot of unanswered questions, beginning with: was the death of this Yukoner preventable? — something that wasn't really asked or answered by the coroner's inquest.

It could also determine whether changes made in RCMP procedures for dealing with people in custody since the death of Mr. Silverfox are sufficient to prevent the occurrence of a similar incident. Again, this question has not been resolved by the recent coroner's inquest.

The government has the ability and the authority to call such a public inquiry and this is what we are asking them to do. A public inquiry has a much wider scope than the recently concluded coroner's inquest. Yukoners are looking for answers to some very troubling questions about how a man went into custody and did not come out alive. This is a very serious issue and one that we believe needs to be looked at in greater detail.

An inquiry would consider what steps could have been taken to prevent the death. It would determine whether changes that have been made since then are sufficient to prevent something like this from happening again. An inquiry could also look at larger questions, such as whether there needs to be more civilian oversight of the RCMP itself and the way in which complaints made against the RCMP are handled.

Finally, we could look at the services provided by the RCMP to citizens who are in vulnerable positions, including victims of domestic violence and sexual assault, as well as individuals who are arrested and detained in custody.

The public inquiry would take the pressure off the RCMP. The vast majority of RCMP members are astounded and

ashamed of what occurred in December 2008. They too want to see improvements.

We are sure it would assist in restoring public confidence in the RCMP if the recommendations came as a result of an independent public inquiry. It would help to produce recommendations that change the mindset and behaviour of some individuals. Let's not forget that most RCMP officers are respectful in how they carry out their duties and how they help us in our communities. We cannot think that this is not having a personal effect on every RCMP officer and their families as well.

Mr. Speaker, there is one more thing that a public inquiry could address. It could examine the role that public attitudes and RCMP attitudes played in leading to the death of this man in custody. The testimony that became public during the recent coroner's inquest was shocking in many ways to most Yukoners.

A man was objectified and treated worse than we treat animals. The family of Mr. Silverfox had noted that if our pet were sick we would take it to the vet for treatment. We would not allow a pet animal to be sick more than 20 times and leave it to lie in its own filth. If this is how a man was treated — this was a human being, a family man, a member of a First Nation, a member of our Yukon community. How could our treatment have become so impersonal, so objectified, that we lost sight of the humanity of a person?

Is this an acceptable attitude within either the RCMP or within Yukon? Surely it cannot be. Some have said this terrible treatment was the result of inherent racist attitudes in our society. I am not so sure. I think it is possible that a poor non-native person, intoxicated, sick, unable to control his bodily functions, might well have received equally poor treatment. Either way, this is unacceptable.

People sometimes make poor choices. They drink too much, they take illegal drugs, and they abuse prescription medicines. Yes, there are consequences we must accept for our behaviour. Sometimes things end badly. When people overdose and are alone in their homes or on the street, sometimes they die. But when they are in the custody of police or of any arm of the government, it is our duty to do our best to look after them and care for them until they are again able to look after themselves.

If there are prejudices held against people who have fallen on hard times, we have to fight those prejudices. It's often said that a society is only as strong as it treats its least fortunate people. We need to fight these prejudices and make it clear that, whether they are based on racist thoughts or on the belief that people with addictions deserve whatever happens to them, they are people first and foremost and we must do our best to help them, not to mock them.

It is usual in this Assembly that we avoid naming individuals. I have repeated Mr. Silverfox's name frequently during my presentation this afternoon, and I've done so intentionally because it makes us uncomfortable and it should. We need to remember that this isn't a statistic; this was a person; this was a human being who died at the age of 43, younger than all but three or four members of this Assembly. He died while people

mocked him, made fun of his condition, ignored his pleas for help and failed to notice his distress.

None of that is reflected directly in the recommendations of the coroner's inquest, but most of that came out during the coroner's inquest. We need to go further.

A public inquiry would examine all these issues and would shed a greater light on the matter and hopefully, by doing that, we will improve the situation and make Yukon a better place in the future, even for people who are helpless to look after themselves.

I urge this House to support this motion and I urge the government to act on it by calling for a public inquiry into the death of this man. Thank you.

Hon. Ms. Horne: Mr. Speaker, I would like to speak to this motion today, not only as the Minister of Justice, but also as a mother, grandmother and a First Nation elder. As I have said in this House on prior occasions, I was one of the children who attended residential school. I, as many, many other First Nation children, suffered serious emotional, cultural, linguistic, spiritual, physical and sexual abuses while in the residential school to which we were entrusted.

Entire communities experienced and felt deeply the removal of children from communities. I know that my daughters are my reason for being, and my reason for accomplishment and getting up each and every morning.

If my daughters were taken from me today I would have a difficult time to continue on. I would want to escape in whatever methods were available to me. The most common way of escape is self-medication with alcohol and drugs. The cultural teachings — which historically were passed down from generation to generation, including our self-worth, self-pride and the ability of loving ourselves and others — are missing from our lives. As I said in this House before, the impact on our people is real. It is very deep and it is multi-layered and it is multi-generational. We will never fully recover from the past, but it is time for us to move forward and to not prolong the pain or the dysfunction we have encountered.

We have lost too many of our First Nation brothers and sisters to early death due to alcohol and drugs. Our First Nation people are the majority of the population of prisons across Yukon. The number of women being charged with serious offences is increasingly as well, right across Canada. Substance abuse still remains the biggest driver of a criminal activity in Yukon.

What happened to Raymond Silverfox while in the holding cells of the RCMP in Whitehorse was a tragedy — is a tragedy — that could have been handled differently. His untimely death was felt by all Yukoners, no matter what race or colour. I can only imagine the pain the family and the children must be going through at this time. My heart goes out to them. The well-being of Yukoners is first and foremost in my mind in carrying out my duties as Minister of Justice. I always hold my obligations as a First Nations elder in mind with everything I do.

As a government, our goal is to better meet the needs of offenders, victims and communities. The old way of doing corrections was ineffective. We are moving forward with a new

philosophy of corrections and a new act that relates and reflects the new philosophy that was developed. Government departments have made major strides to meet commitments that we made. Reducing substance abuse and addictions in Yukon is our ultimate goal.

I want to be very clear regarding our view about the action of picking up inebriated people and putting them in RCMP holding cells. This action has to change and it will change as soon as possible. In a few minutes I will outline steps that we are already taking to address this situation. The review that our government is launching is about more than one individual, one incident or one issue. It is far more comprehensive than what is envisioned in this motion today.

Mr. Speaker, our review of policing is part of a broader package, part of a broader response to addressing substance abuse in Yukon. We identified in 2002 that we as a society faced some significant challenges in this area. We made it a priority then in 2002 and we renewed our commitment to that priority in 2006, to focus resources on Yukon's serious alcohol and drug problem. We developed the *Substance Abuse Action Plan*, which is a long-term, coordinated response to substance abuse in Yukon. We know that substance abuse is a key contributor to, and indeed is the largest single driver of, social disorder in Yukon. I will come back to that in a few minutes.

The motion before us today details three objectives, the first one being to determine whether there were steps that should have been taken in the care and custody of Mr. Raymond Silverfox that would likely have prevented his death.

A coroner's inquest has just been completed that contained four recommendations: three to the RCMP and one to the commissionaires. The first recommendation to the RCMP was to create a community consultative group that would review the issue of public intoxication and provide possible alternatives. The second recommendation to the RCMP was regular joint health and safety committee meetings, which would be held monthly and include a guard representative. The third recommendation to the RCMP was to increase guard staffing levels. The fourth recommendation was to the commissionaires, to review guards' compensation and training requirements.

This inquest was very long. It ran for seven sitting days of hearings. It was an exhaustive inquest that heard from pathologists, medical personnel, RCMP, family members and others involved in the incident.

Now, Mr. Speaker, I want to turn to the second objective of this motion, that being to "determine whether changes made in RCMP procedures for dealing with people in custody since the death of Mr. Silverfox are sufficient to prevent the occurrence of a similar incident involving the death of individuals in custody".

I want to share with you and all members of this House this afternoon the steps that have been and are being taken by the commanding officer of M Division to investigate this tragedy and to prevent future deaths.

The commanding officer of M Division ordered an independent investigation to be conducted by police officers from a different jurisdiction. The investigation was conducted by the RCMP Major Crime Unit from Prince George, British Colum-

bia. Given the investigation was being conducted by the RCMP, the Commission for Public Complaints Against the RCMP activated an independent observer program to oversee the impartiality of the investigation. The RCMP cooperated with this decision.

The public prosecution service of Canada, or Crown prosecutor, was provided with the investigative report. This material was sent out of the Yukon to an independent prosecutor. With the coroner's inquest now complete, transcripts and material from the proceedings will be sent to the Crown prosecutor, who will be asked to consider any criminality by the RCMP or the Corps of Commissionaires.

The Commission for Public Complaints Against the RCMP has initiated an independent investigation into the death of Mr. Silverfox. The RCMP is fully cooperating with the CPC — the Commission for Public Complaints. Transcripts from the inquest will be provided to the Commission for Public Complaints. Along with the final report from the RCMP, the Commission for Public Complaints will review the RCMP report and advise its findings.

The commanding officer has also ordered an independent officer review of the circumstances surrounding the death of Mr. Silverfox, which is being conducted by a senior officer of the RCMP from Alberta. An interim report has been provided to the commanding officer.

This report resulted in 14 recommendations related to policy and procedures being made to the officer in charge of the Whitehorse detachment. These recommendations have already been implemented and include training of guards, clarification of supervisors' responsibilities and clear expectations to seek medical assistance for prisoners who appear ill or grossly intoxicated. Each recommendation was acted upon and a report completed in June 2009.

The independent review officer from Alberta is now reviewing the coroner's jury recommendations and is preparing a final report for the commanding officer.

Early this year, the commanding officer of the RCMP requested an independent audit of cell block operations at Whitehorse detachment to ensure that operations were in accordance with national division and detachment policies. This audit was conducted by senior RCMP auditors, who included an experienced member of the Vancouver Police Department prisoner management unit.

The audit confirmed improvements to operations at the Whitehorse cells. The RCMP fully cooperated with the Yukon coroner during the seven-day inquest, which determined that Mr. Silverfox died of natural causes. The RCMP received recommendations on Friday, April 23, just five days ago, and is reviewing the recommendations made by the coroner's jury in order to act and prevent similar events in the future.

The RCMP is taking this matter very seriously.

It is important to note that one investigation has been ordered under the RCMP act into a statement made by one officer to a prisoner. The RCMP analysis of the testimony given during the inquest and cell block audio tapes continues. I repeat that: the RCMP analysis of the testimony given during the inquest and cell block audio tapes still continues.

This process will determine if additional investigations under the RCMP act's Code of Conduct will be ordered against individuals.

Mr. Speaker, I'm sure many of us, if not all of us in this House, read the statement issued yesterday by the M Division Commanding Officer Peter Clark. The commanding officer has publicly expressed his regret related to the death of Mr. Silverfox and expressed shock and disappointment that Mr. Silverfox had to endure insensitive and callous treatment while in the care of the RCMP. He offered the RCMP's deepest condolences to Mr. Silverfox's family. I would like to read you one line of what he said, which I find is very, very important: "We have failed you and we have failed ourselves." In my 67 years, I have never heard and never did think I would ever hear such poignant words coming from the RCMP.

Let me summarize significant elements of the RCMP response.

First: the original investigation was undertaken by an independent police force and reviewed by the federal Crown.

Second: the Commission for Public Complaints Against the RCMP oversaw the matter and they continue to review this file.

Third: an independent review officer was also brought in to review the circumstances surrounding Mr. Silverfox's death. He put forward 14 recommendations that have all been implemented.

Fourth: in light of the coroner's inquest, the RCMP is now conducting code-of-conduct investigations and transcripts and material from the proceedings will be sent to the Crown prosecutor, who will be asked to consider any criminality by the RCMP.

I will repeat that part so it is very clear: "... and transcripts and material from the proceedings will be sent to the Crown prosecutor, who will be asked to consider any criminality by the RCMP."

Let's not forget, the Commission for Public Complaints is reviewing the matter as well.

So, Mr. Speaker, as you can see, this second purpose of the public inquiry, as detailed in this motion, is already being addressed and well underway.

Let me turn now to the third objective or purpose of the public inquiry, as outlined in this motion, and that is to consider what additional steps, including but not limited to the establishment of a Yukon independent civil oversight and advisory board, should be taken to improve the treatment of people held in custody by the RCMP.

Last week the commanding officer and I, as the Minister of Justice, co-signed a letter requesting a meeting with the chair of the Commission for Public Complaints Against the RCMP, in order to discuss how the Commission for Public Complaints Against the RCMP can best meet the needs of Yukon citizens.

Last week we passed a motion in this House unanimously establishing a review of policing in Yukon, with the RCMP being a full participant and indeed with the commanding officer serving as co-chair.

The terms of reference for this review include First Nation representation on the advisory group, as well as the service of

those who are detained in custody. The commanding officer of M Division acknowledges that the RCMP failed to live up to the standards and values expected of them. Through this review, our intention is to work collaboratively with the RCMP to begin dialogue with Yukoners to again regain their trust. We want to focus on moving forward on improving the situation. The review the RCMP and the government have taken far exceeds what this motion is calling for. We are conducting the review to address the very issues identified in this motion and many, many more.

The Yukon presents unique challenges to front-line police officers and police management. Yukon's geography, First Nation cultural heritage and its small population create unique policing challenges that are not evident in other parts of Canada. Officers have increased autonomy and profile in isolated northern communities and they are called upon to provide a wide range of services that require a variety of skills and attributes. By virtue of the authority of their position, officers hold a unique position in their community that requires integration into community life.

Mr. Speaker, the RCMP and the government recognize that, from time to time, circumstances arise that may compromise the public's confidence in the police. In these circumstances, citizens need a process to make their concerns known and a mechanism that responds while promoting accountability. The process that is underway will do just that. I would also like to share with this Assembly some of the work that we are undertaking in Yukon government to address these societal issues. We reinstated the Sarah Steele Detoxification Centre. We have started the Community Wellness Court, which is a therapeutic court.

We have undertaken a major consultation on corrections that resulted in a new client-focused program-orientated philosophy of corrections. We have a new *Corrections Act* that reflects our new philosophy. We have the new women's annex which is now operational. We are building a new treatment and correctional facility that is on-budget and on-time and that supports our new philosophy.

Last summer we launched a new *Victims of Crime Strategy* that will refocus our services to victims. We have committed \$1.3 million over the next three years to improve services to victims. We have a new *Victims of Crime Act* now before this Assembly. Mr. Speaker, by systematically changing the way we do business in corrections, we are shifting the focus to helping people get the help they require. This is one more example of how our government is working to provide a better quality of life and create a safe Yukon. I would also add that we have been and are continuing to implement the *Substance Abuse Action Plan* that includes education and prevention, harm reduction, enforcement and treatment initiatives.

Government departments have made major strides to meet commitments in the *Substance Abuse Action Plan*. For example, initiatives led by the Department of Justice that are now in place include — in the spring of 2009 — the Department of Justice coordinating the production and release of the *Yukon Substance Abuse Resource Directory*, which has been distributed to all Yukon communities. A French version was completed in

late 2009 and bookmarks were included in the RCMP MADD drinking and driving campaign in December 2009.

Substance abuse management programs are being offered at the Whitehorse Correctional Centre with over 15 staff certified. A position to support the development of capacity-building plans in communities has been staffed and work is underway.

The *Substance Abuse Action Plan* identified a number of specific individual activities aimed at achieving the common goal of reducing substance abuse and addiction. Each activity from the November 2005 action plan has been assigned to a lead department except for one that belongs to the federal government. Implementing the *Substance Abuse Action Plan* is one more example of how our government is working to prevent another tragedy like the Silverfox tragedy.

The Yukon's *Substance Abuse Action Plan* called for the creation of a therapeutic court and the Community Wellness Court pilot project was implemented in June 2007. As of February 15, 2010, 66 clients have been referred to the Community Wellness Court. There are currently 10 active clients. Eight clients have completed the program. An in-depth wellness plan is tailored to the needs of the individual client following several assessments. The wellness journey can take up to 18 months before sentencing and may include the following: individual or group therapeutic counselling and treatment; assistance with employment, housing or other basic needs; medical assistance, including psychiatric services; assistance from agencies, such as FAS Society of Yukon, Many Rivers Counselling and Support Services; intensive supervision and support by a probation officer working closely with the client on their wellness journey; and work on building family and community supports.

Community Wellness Court participants are given priority placement for risk assessment and offender programming. In March 2009, Management Board approved funding to extend the pilot project for another three years. The budget allocated for the Community Wellness Court is \$574,591 per year. This includes staff salaries and contract resources. This is just one more example of how our government is working to prevent another tragedy like the Silverfox tragedy.

As I review this motion for today, I think the key thing is to remember what it's trying to accomplish is to prevent another tragedy. The work that the RCMP and we, the government, are doing is more encompassing, much broader than that which is envisioned in this motion. As a result, we believe the steps that are already being taken, including the investigative steps by the RCMP and the continuing involvement of the Crown prosecutor, should be allowed to continue and that debate on this motion should be adjourned. But we reserve the right to call a public inquiry at a later date should we, as legislators, feel that the results of the RCMP and Crown prosecutor's continuing investigation of this matter, along with the results of our review of policing, have not achieved the desired objectives on behalf of Yukon citizens.

Motion to adjourn debate

Hon. Ms. Horne: Mr. Speaker, I move that the debate on this motion be adjourned. Günilschish.

Speaker: It has been moved by the Minister of Justice that debate be now adjourned. Are you prepared for the question?

Motion to adjourn debate on Motion No. 1050 agreed to

Motion No. 989

Clerk: Motion No. 989, standing in the name of Mr. Mitchell.

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

THAT this House urges the Government of Yukon to work with the four affected First Nation governments and all stakeholders to develop a land use plan for the Peel watershed, prior to the next Yukon territorial election, that respects the principles set out by the Peel Watershed Planning Commission in its recommended plan.

Mr. Mitchell: Mr. Speaker, we introduced this motion on the first day of this spring sitting. It was the first opportunity to raise the issue in this House since the final recommended land use plan was delivered to all the parties involved. We also used the first day of Question Period to highlight this issue and it has come up in Question Period several times since that first day.

This land use plan will determine what the Peel region will look like for years to come. We need to get it right. It is one of the most important issues in the Yukon today. It is also one of the most controversial.

Mr. Deputy Speaker, we would like to thank the members of the commission for their work over many years, and we would like to thank Yukoners for participating in the process. Many, many Yukoners have participated. This has been a long road, and we finally have a recommended plan in front of us. Many, many Yukoners have invested a lot of their time and energy into this process, and we have confirmation that people have a strong interest in what happens in this part of Yukon.

We have talked to hundreds of Yukoners over the last few years about the Peel watershed. We have heard from hundreds of Yukoners over the last few years — hundreds and hundreds — about the Peel watershed.

We have met with interest groups, with stakeholders, with First Nation governments, with constituents, with non-governmental organizations and with many, many individual Yukoners. We met with a number of mining companies when three members of our caucus attended this year's roundup in Vancouver and this issue does come up. We have also met with the Chamber of Mines. We have listened to all of their input on what the land use plan should look like.

As a caucus, we discussed the draft plan and the new final plan — the final recommended plan that was released in January of this year. We received a full briefing of the plan itself from the planning commission earlier this year. As long-time Yukoners, each of us has spent some time in the area in question. Some of us, like the Member for Vuntut Gwitchin, has spent a great deal of time and walked on a great amount of land in the Peel region, and paddled the rivers.

After all of this, we have concluded that much of the area should be protected from development for the foreseeable fu-

ture. We support in principle the findings of the commission. They have recommended large parts of the area be preserved and we support their finding in principle.

We are not going to tell the parties where to put the lines on the maps, and we fully expect there to be changes when the final decisions are made. Lines can be moved; the borders may change; and we'll leave that to the commission and to the respective governments.

We believe, however, that the principles of the plan, as presented, should be adhered to. Let's look specifically at what the commission is recommending.

In the front of this plan, the commission has several pages of recommended plan highlights, including findings. I'm not going to read them all, because it's a public document, but I will read a number of them.

The origin and the foundation for this plan is the *Umbrella Final Agreement*. The UFA makes plain that the point of land use planning is for society as a whole to agree on how lands, water and resources should be managed and protected, while recognizing and promoting the cultural values of Yukon Indian people. The commission therefore believes it is incumbent and proper to pay particular heed to the stated values and interests of all affected First Nations and their citizens.

The UFA makes plain that it is an integrated document and that the land use planning chapter should be understood in relation to other relevant chapters including: development assessment, chapter 12; special management areas, chapter 10; heritage, chapter 13; water management, 14; and fish and wildlife, 16. Therefore, the commission interprets its terms of reference broadly as befits an integrating, synthesizing endeavour.

The *Umbrella Final Agreement's* definition of sustainable development is a cornerstone of the plan. Its definition is clear that the proper approach is to accommodate various forms of renewable and non-renewable land uses only if consistent with sustaining ecosystems and social systems.

Findings — and again, I won't read them all, but I will go over a number of them: “(1) Affected First Nations have stated clearly that their resource-use interests and rights depend upon intact regional ecosystems and landscapes in the Peel region;

“(2) Affected First Nations emphasized that a conservative and precautionary approach is necessary in this Plan to sustain current uses while maintaining future resource-use options for their citizens;

“(3) Year-round monitoring of water quality and flows is a dominant management consideration and winter low flows are a major limiting factor that may affect certain forms of industrial development in the planning region;

“(4) Large segments of the Yukon public have identified values and interests that are congruent with those of the affected First Nations, namely that ecosystem integrity and intact landscapes are the priority land-use management consideration in the planning region;

“(5) While aerial access to mineral claims may have generally been a manageable land-use activity, predominant Yukon public opinion indicates that surface access is likely to undermine the region's wilderness character outside of the immediate Dempster Highway Corridor; this wilderness character is

considered essential to most renewable resource-use sectors in the planning region;”

Some other among the findings:

“(7) The Plan cannot be viewed as a template for other future Yukon regional land-use planning processes. Its provisions result from the region's unique biophysical and socio-economic features and values.”

And that one is of particular importance, Mr. Speaker, because there have been many in Yukon who have said, “Well, if this large area is preserved and this becomes a template, all of Yukon will become one giant park.”

The planners have taken special consideration to point out that this plan is unique and specific to this planning area. It is very different from the north Yukon land use plan, which has been adopted, and it is no doubt different from what future plans will be when they are brought forward.

Finding number 11 says:

“(11) Some resource conflicts are intractable and cannot be solved by on-site, management techniques.”

That's a key point to consider as well.

There are key recommendations, and among them:

“A. The Plan provides direction to all resource-users. It is imperative that all Parties to the Plan develop and implement the policy and legislation required to regulate their citizens' use of planning region resources, as contained in the Plan's recommendations;

“B. The Plan Framework provides a well-substantiated foundation for ongoing land-use management, assessment and planning in the Peel Watershed region;

“C. Given the unique and sensitive ecosystems of the Peel Watershed, application of the UFA-based definition of sustainable development and other key Plan principles requires that special emphasis be placed on environmental protection throughout the entire planning region in both Special Management and Integrated Management Areas.”

Under D., the recommendations outline what percentage of land should end up in which area. Again, we recognize that these numbers could change and we're okay with that. So we're not going to get hung up on the percentages that came forward to the governments, because we recognize that the governments will have to make a final decision on that.

“E. Areas proposed as Special Management Areas should be immediately withdrawn from staking...” Indeed, government has taken that step. There is a moratorium on staking.

“F. New surface access development is prohibited within Special Management Areas. A plan amendment will be required to modify this recommendation;”

“J. The Wind River Trail should no longer be classified as an access corridor to ensure compatibility with the management intent of this proposed SMA;” and that is a key finding, because there has been some controversy over the status of this trail in recent years.

Mr. Speaker, there are questions that we need to ask in terms of what the government is doing. What is the government's position about this recommended plan? First of all we ask: where is the Minister of Environment? Now, there is also the role of the Premier. This is an issue that is very much —

Some Hon. Member: (Inaudible)

Mr. Mitchell: The Minister of Environment has indicated that he is here, and I look forward to hearing his thoughts on this later this afternoon.

Mr. Speaker, the role of the Premier — this is an issue that is very much on the minds of Yukoners, if not on the mind of the Minister of Environment. On January 25 of this year, the Environment minister's predecessor signed off on a document called the *Joint Letter of Understanding on Peel Watershed Regional Land Use Planning Process*. At that point, on paper at least, the then Minister of Environment was an equal partner in the development of the government's position on this issue.

It was signed by the Minister of Energy, Mines and Resources and by the Minister of Environment — two signatures. A few days later, the Minister of Environment was shuffled out of that portfolio and replaced by the current minister. Since that time, the new Minister of Environment has been largely silent and sidelined on this issue. He has refused to answer questions in Question Period and has left the Minister of Energy, Mines and Resources to carry the ball on this file. It is quite a reversal for the minister and one that seems to have occurred shortly after he rejoined the Yukon Party government, because as a member of the opposition, the minister, as a private member, was a big proponent of environmental issues. McIntyre Creek, for example, he thought should be turned into a park. Now that he sits in government, he has abandoned that position. Instead of being an advocate for the environment —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Point of order, Minister of the Environment.

Hon. Mr. Edzerza: Under 19(g), I believe that the Leader of the Official Opposition is actually imputing false motives here by stating my position as a member on any of these issues with regard to McIntyre or the Peel. Thank you.

Speaker: Leader of the Official Opposition, on the point of order.

Mr. Mitchell: Well, on the point of order, there has been no motive imputed. The minister has suggested 19(g) imputes false or unavowed motives. We have made a statement of position that appears to be the position that has been taken. I would argue that this is simply a dispute among members, not imputing any motive.

Speaker's ruling

Speaker: No, you're done, thanks. From the Chair's perspective, there is no point of order. It's a dispute among members. However, members should be very, very careful of speaking to other members' motives. They are getting into a grey area there and that will then indeed cause more points of order.

The Leader of the Official Opposition has the floor.

Mr. Mitchell: Thank you, Mr. Speaker. Instead of being an advocate for the environment, the minister has largely vacated the field and left things in the hands of his colleague.

To be fair to the minister, he did wade into the debate in his budget speech reply. He said First Nations had not ade-

quately thought out their position on the issue. He also said, quote: "I know that even First Nations have probably not ruled out any kind of economic development activities that might be available to them in the region."

Mr. Speaker, the chiefs of the Tr'ondëk Hwëch'in and Na Cho Nyäk Dun didn't think much of the minister's interjection.

The chiefs of these two First Nations sent him an open letter. They chided him for his, quote: "ambiguous and potentially" — and I cannot cite the word, Mr. Speaker, so I will say "confusing" would be an acceptable synonym, although it's not the one that they used — "statement on First Nations' desire for the Peel," and they said it is "not well-received by our governments."

The minister crossed the line when he said what First Nations wanted in the Peel. They are not happy about it. In the meantime, he isn't allowed to say, or is not choosing to say —

Some Hon. Member: (Inaudible)

Point of order

Speaker: On a point of order, the Minister of Environment.

Hon. Mr. Edzerza: Again, Mr. Speaker, I would challenge that once again — 19(g) — is being violated here, because at no point in time did I as minister ever tell any First Nation what they had to do in their territory, as was just stated by the Leader of the Official Opposition.

Speaker: On the point of order, the Leader of the Official Opposition.

Mr. Mitchell: On the point of order, I quoted from the letter — the part I was able to read — where First Nations said what they felt, and I quoted the minister's own statements about First Nations from his budget reply. Those are the two statements I just put on the record.

Speaker: Did you want in on the point of order, Minister of Education?

Hon. Mr. Rouble: Mr. Speaker, I would just like to bring up the point that one cannot do indirectly what one cannot do directly. Even though the member seems to have an out by using a quote attributed to others, he has to take responsibility for the words that he puts on the floor. Even though it might be a quote, he still cannot break our Standing Orders by referring to a quote. I would encourage you to remind all members to take responsibility for the words that they put on the floor of this Assembly.

Speaker: Minister of Justice, on the point of order.

Hon. Ms. Horne: 19(h), "Uttering a deliberate falsehood," about the Minister of Environment.

Speaker's ruling

Speaker: From the Chair's perspective, there is no point of order here, members. However, the words of the Minister of Education should be well heeded in terms of all of us taking responsibility for the words that we utter within the walls of this Assembly.

Leader of the Official Opposition, you have the floor.

Mr. Mitchell: Well, Mr. Speaker, apparently ever so briefly but I will carry on.

First Nations have said they're not happy with statements made by this member. They have said that in an open letter, Mr. Speaker.

In the meantime this minister is not saying, as the Minister of Environment, what his own government will do in the Peel. We do ask: why did the minister presume to speak for other governments when he's not speaking for his own? Only the minister can answer that. We look forward to hearing his answers.

Two of the four leaders — two chiefs — found the minister's comments to be out of line and felt they had to be publicly refuted. They criticized the minister and they told the minister not to imply that he could speak, or that his words could speak, for affected First Nations. They also invited the minister and encouraged him to stand up with them for protection in the Peel, offering, and I quote — I don't think there are any objections to these: "We, the First Nations, would greatly appreciate your support to protect this portion of our traditional lands."

Will the minister be taking them up on their offer to stand with them in support of the Peel? Or will his direction come from others? We will have to see. We'll have to see what the minister has to say, because only the minister can answer that. So we are looking forward to hearing him speak on this motion today. Yukoners want to hear what the Environment minister has to say.

The chiefs were quite clear when they said, "Protection of the headwaters of the Peel and the entire Peel watershed is of paramount importance to us. We are not interested in seeing further development of non-renewable industries or roads in the Peel watershed."

I must say that we do have some sympathy for the Minister of Environment because, before he rediscovered his Yukon Party roots, there was a Minister of Environment in place, and she had to contend with the Premier interfering in her department's handling of the Peel question. Yukoners know that the Premier worked hard behind the scenes to try to shape the contents of this report a certain way. We know he interfered politically in the middle of the drafting process and tried to steer the commission in a certain direction.

We also know that the then Minister of Environment, the Deputy Premier, sat back and it was allowed to happen. She didn't enter into the debate to do her job as minister. She failed to carry out her responsibilities as Minister of Environment to take a stand for the environment. Unfortunately, the new minister seems to be operating under similar restrictions. Yukoners know that the Premier interfered politically in the middle of the Peel planning process.

He made an irate call to a senior official in the Department of Environment and told him to gut the submission to the Peel Planning Commission. The Premier made an executive decision that the commission didn't deserve the Environment department's full report, and the minister at the time didn't do anything to stand up for officials or for her department or for her responsibility to the environment insofar as the Peel region was concerned.

Mr. Speaker, the Premier dropped another hint in the budget speech about where this government is heading on the

Peel. We know many Yukoners were disappointed when the Premier delivered that speech and the word "Peel" did not appear in it. It is one word that was noticeably absent. We do know that, behind the scenes, the Premier has been very engaged. We have already talked about the irate phone call.

We now encourage the parties — the Yukon government and the four First Nation governments — to reach agreement on a final plan that is consistent with the principles stated in the final plan from the commission. We would like to see that happen before the next election. It was the ever-quotable Winston Churchill, Mr. Speaker, who said, "Destiny is not a matter of chance, it is a matter of choice; it is not a thing to be waited for, it is a thing to be achieved."

That statement certainly applies in this circumstance. The Government of Yukon has a choice to make here. It can be bold and lead or it can keep its head down, refuse to take a position and try to get through the next election by saying, "We're looking at it." It was obvious from the government's response during this sitting that the government appears to have chosen the latter.

We feel that it is time to act on what we've heard. We're letting our position be known before the government begins negotiations with First Nations on the final plan.

The Premier did have something to say about this just the other day. Quote: "If the member were to thoroughly analyze chapter 11, the Leader of the Official Opposition would understand that, because governments, both Yukon and First Nation, are obligated to continue on as we are with this process. You know, the Official Opposition may have got themselves in a bit of a pickle here and a bit of a predicament, given their position on the Peel. We'll continue to do our work as we are responsible ..." Hon. Premier, from *Hansard*, April 22, 2010.

We would suggest it is the government that's in the pickle. The government has been given a plan that it doesn't support. It is reluctant to put that position on the public record.

The government plan is to try to delay any decisions on this plan until after the next election. Yukoners will not be fooled. The government will be asked on the campaign trail if they support the plan and a non-answer won't do. It won't be good enough.

It is very disappointing that the Yukon Party government is simply refusing to be open and accountable on this issue. If the government thinks the area should remain open to a large-scale industrial development, it can simply say so. We know that is the position and they should simply admit it. Ducking the issue is politically convenient, but it is not leadership. Mr. Speaker, the members opposite say that the Official Opposition is opposed to mining. It is not so. It's not fact. We believe the mining industry has a lot to contribute. There are lots of positive developments going on right now with Victoria Gold, Keno, Alexco, Minto, Capstone and, despite the tragedy, the soon-to-be open Wolverine mine, the White Gold area, where Underworld Resources is — and now a major company is taking that on.

None of that will be affected by what happens in the Peel. The possibility of the Peel Watershed Planning Commission recommending that land be set aside certainly hasn't dampened

investment in the Yukon. We are looking at record levels of exploration, as we are frequently told by the Minister for Energy, Mines and Resources and the Minister of Economic Development. We will continue to support mining in other parts of the territory, and we have backed that up.

We want to maintain a healthy industry for years to come. We look forward to putting our differences on this matter aside and working together in other parts of the Yukon. The Member for Mayo-Tatchun has much mining activity in his riding. It impacts on three First Nations in his riding. He has spoken frequently about the need to make road improvements, to replace bridges, to replace infrastructure in support of mining, and he has indicated frequently that he's interested in seeing more mining within that area.

I'd like to revisit one of the principles I raised earlier, and that is the issue of whether this is a template for future plans. There have been concerns raised by some that the decision on how to proceed with the Peel will have an impact on future land use plans across the territory. We don't share that concern. As the Peel Watershed Planning Commission clearly stated, this should not be viewed as a template for future plans, particularly with regard to the amount of land set aside for preservation.

As the Yukon Land Use Planning Council continues its work they will find — and in fact are already aware — that each planning region is unique and will require a distinct approach. Earlier today we entered into a debate on another issue and debate was then adjourned, so we didn't really have a debate because many voices were not heard. The Third Party was not given a chance to enter into the debate at all. Two weeks ago, on opposition members' day, after the Member for Mount Lorne introduced a motion and spoke to it, and left adequate time for others to speak, we only heard from one other member of this Assembly. The Minister of Energy, Mines and Resources spoke for three hours.

Some Hon. Member: (Inaudible)

Mr. Mitchell: The Member for Kluane says that's not democratic; it's not debate.

A debate should be a back and forth where all members have a chance to be heard. That is not what has been happening here on opposition members' days. It didn't happen earlier today and I know there were several members on this side who felt strongly about speaking to this motion and were not given an opportunity. It is with some trepidation that we ever sit down on this side of the House with the expectation that others will be heard. Nevertheless, I will conclude to strong appreciation from the Energy, Mines and Resources minister who had so much to say two weeks ago.

Mr. Speaker, the decisions over the Peel are difficult decisions; choices do have to be made. The planning commission heard from many Yukoners and, as we have stated, we support in principle the plan that has been developed. We believe the government should be up front with Yukoners and say whether it supports the plan or not. It should do this in advance of the next election. It should show that leadership.

We believe the Minister of Environment should read his job description. He's tasked with standing up for the environment and he should start doing it this afternoon.

There are very difficult issues the government will have to wrestle with in order to put this plan into place. We know there are thousands of existing claims and we know that the government will have to meet with claim holders and with mining companies, and come to some decisions on how to treat those claims.

There's quite a bit of chatter on the other side. There has been reference to Tombstone. In Tombstone, there was a great deal of individual negotiation with individual claim holders and mining companies to avoid having numerous lawsuits, and that was largely successful, Mr. Speaker.

Some Hon. Member: (Inaudible)

Speaker's statement

Speaker: Order please. Minister of Education, please respect the rules of the Legislative Assembly and don't speak while another member is speaking.

Leader of the Official Opposition, you have the floor.

Mr. Mitchell: This is a simple task. Mr. Speaker, if we're going to have land use planning, and we're going to spend years developing plans, then we have to move forward and at least find a way to support the principles that are inherent in the plans that are developed. Otherwise, we may as well simply start by saying, when you go to plan, make sure that anywhere there's a pre-existing interest, the interest is supreme and plan around it. That's not the direction that exists in the UFA and it has not the direction that's been provided to the planning commissions.

The Minister of Energy, Mines and Resources, off-mic said, "We fixed it," with regard to Tombstone, but we will see how the Minister of Energy, Mines and Resources decides to apply that statement when it comes to the Peel. We will see, Mr. Speaker. We will see what the Minister of Environment, who says he is present and eager to speak, will say.

Mr. Speaker, the regional chief, Chief Morris said to me when talking about the Peel that we are the stewards of the land for our grandchildren. We need to make wise decisions on behalf of our grandchildren and the generations to come after them. We need to start by being clear with Yukoners about where the government stands on the recommended *Peel Watershed Regional Land Use Plan*.

I look forward to hearing from the government and from others. With that, Mr. Speaker, I will just say thank you for the time.

Hon. Mr. Rouble: Mr. Speaker, to begin with I would like to apologize to the Assembly for my outburst. My off-mic comment was inappropriate, and I should bring up the points I wish to make on the record and not through off-mic chatter.

Some Hon. Member: (Inaudible)

Hon. Mr. Rouble: The irony of the Assembly continues to amaze me on a daily basis. I cannot, however, let the comments by the Leader of the Liberal Party on Tombstone go

without comment on it before I begin the discussion about the motion at hand.

One does not have to be a student of the distant past; one only has to look at the history of the previous Liberal government to recognize the situation that the Liberal government put the Yukon in with their shortsighted, knee-jerk reactions to many of the issues. The challenges that they created and the lawsuits that they created — and it wasn't until the Yukon Party government was once again re-elected that we then had the responsibility of cleaning up many of the issues that the previous Liberal government had created, including issues like Tombstone, the north Yukon land use plan, the Dawson-Mayo power line and its tremendous cost overruns, Fishing Branch. Mr. Speaker, we did have an experience with a Liberal government here in the territory.

Before I go on, I'd be remiss if I didn't mention the bankruptcy of communities, where the Liberal government's response to that issue was to be pleased to increase the borrowing limit of a municipality that didn't have the capacity to make the loan payments.

We can go on and on about some of the ramifications of the decisions that were made by the shortest lived majority government in the history of the Commonwealth, but the matter at hand today is Motion No. 989, calling on this House to urge the Government of Yukon to work with the four affected First Nation governments and all stakeholders to develop a land use plan for the Peel watershed, prior to the next Yukon territorial election, that respects the principles set out by the Peel Watershed Planning Commission in its recommended plan.

I will be brief this afternoon, because I'm in general support of this motion. This motion is calling for the government to do what we have tabled in this Assembly.

We have had the opportunity to discuss this issue numerous times since we came back into session some weeks ago.

One of the first initiatives or activities that I, as minister responsible for natural resources and ensuring integrated resources and land use, was to table with members opposite the letter of understanding signed on the Peel watershed planning process. We tabled the letter that was signed with the affected First Nations, we tabled the workplan and we tabled the timelines. We provided the members opposite with the information that they were looking for and we did so in a manner that was respectful to the other affected parties to this issue.

I would like to take this time to thank the commission and the council for their tremendous amount of work on this issue and on other issues, and also to thank those who provided input through the process. Clearly we have heard passionate statements by a multitude of Yukoners on this issue and I would like to publicly thank them for their commitment, their involvement and their constructive input.

I think we are all aware that the Peel watershed planning region makes up about 14 percent of the Yukon and that at about 68,000 square kilometres, it is almost as large as New Brunswick. We have a significant responsibility to create an appropriate land use plan to help to govern this issue and this land. We will do that in conjunction with the other orders of government that also have a role in this.

The Government of Yukon manages non-settlement or public lands, both surface and subsurface rights, which hold about 97.3 percent of the region and in association, in partnership and in responsibility with other orders of government such as the Tetlit Gwich'in, Na Cho Nyäk Dun, Tr'ondëk Hwëch'in and Vuntut Gwitchin First Nation, we also have a responsibility to come forward with a land use plan. This is stemming from the *Umbrella Final Agreement* and the self-government agreements that these First Nations have agreed to.

Mr. Speaker, the government honours the commitments made under the final agreements and, as such, we have continued to support a regional land use planning process.

This includes the recently completed *North Yukon Regional Land Use Plan*, which was completed with the tremendous participation of the Vuntut Gwitchin First Nation.

It's important to remember that chapter 11 of the *Umbrella Final Agreement* is the key reference for this process. The government will continue to use this as the touchstone for the regional land use planning process and we will give due consideration to all objectives under this chapter of the final agreement.

The Government of Yukon received the recommended plan in December 2009 and a due diligence review has been underway ever since. In January 2010, the Gwich'in Tribal Council, First Nation of Na Cho Nyäk Dun, Tr'ondëk Hwëch'in, Vuntut Gwitchin First Nation and Yukon government signed a joint letter of understanding that outlines our commitment to move forward on the extensive and challenging work needed to complete the Peel regional land use plan, review and approvals process.

The Government of Yukon honours and acknowledges the commitments under the respective Yukon First Nation final agreements and as such, we will continue to follow the processes outlined in chapter 11 of the final agreement.

As outlined in chapter 11, there is extensive and complex work required for the review, consultation and response process. As we have tabled in the Assembly, we have agreed to work collaboratively toward a number of key milestones in the planning process. We look forward to completing the internal, the initial and intergovernmental plan review by May 2010; the public consultation, October 2010; and have a response to the Peel Watershed Planning Commission by December 2010 or sooner, if possible.

I will remind members that this is within the mandate of this government and thereby meets the criteria put forward in the Leader of the Liberal Party's motion.

The parties recognize that the Peel region has significant cultural, heritage and economic value, and the parties are committed to work collaboratively to enable the completion of the *Peel Watershed Regional Land Use Plan*. The objective of regional land use planning is to provide guidance for the integrated management of lands and resources in order to ensure sustainable development and sound environmental stewardship while minimizing land use conflicts.

As such, the internal reviews will take some time to complete. The Government of Yukon and the planning parties acknowledge that the Peel watershed is important to the region's

aboriginal people and has environmental, social, cultural, heritage and economic values of tremendous importance, as well as having national and international values.

Yukon acknowledges that there are legitimate conservation interests in the region, as well as legitimate active mineral claims and oil and gas permits.

These are real interests that we will have to strive to find balance on. We will work collaboratively to achieve a final plan that incorporates a variety of land use activities in a balanced manner within the Peel watershed and that also addresses the interest of Gwich'in Tribal Council, First Nation of Na Cho Nyäk Dun, Tr'ondëk Hwëch'in, Vuntut Gwitchin First Nation and the Yukon government on behalf of all of our citizens. The government will provide opportunities for the public, stakeholders and affected communities to offer their perspectives on the recommended plan.

When we look at the next steps in this planning process, the parties to the land use plan will determine the appropriate consultation to approach to meet the intents of sections 11.62 and 11.64 of the final agreements, which call for intergovernmental consultation on the recommended plan.

The Yukon government will make opportunities for the public and stakeholders to offer their perspectives on the recommended plan. This will include going out to the affected communities and specific details of the consultation approach are not yet finalized but they will follow the timelines previously agreed to.

Mr. Speaker, I mentioned earlier that we were very pleased to have recently completed the *North Yukon Regional Land Use Plan* with the Vuntut Gwitchin First Nation and we are also very pleased to implement the zoning recommendations concerning the affected areas by lifting the north Yukon land withdrawal.

This step will certainly help to create new economic development opportunities for First Nation investment and business development in north Yukon. The north Yukon land use plan marked the beginning of an exciting new chapter for north Yukon and the plan also demonstrates how successful government-to-government relationships — those that honour our agreements — can make real progress in the implementation of the final agreements.

Mr. Speaker, the only concern that I have with this motion, really, is with the final clause. I trust that all members will agree with me that it is important to demonstrate the paramouncy of the *Umbrella Final Agreement* and the significant amount of work that was put into that.

In order to recognize this, I put forward the following amendment.

Amendment proposed

Hon. Mr. Rouble: I move

THAT Motion No. 989 be amended by deleting the words: “by the Peel Watershed Land Use Planning Commission in its recommended plan,” and replacing them with the words: “in chapter 11, Land Use Planning of the *Umbrella Final Agreement*.”

Speaker: The amendment is in order. It is moved by the Minister of Energy, Mines and Resources

THAT Motion No. 989 be amended by deleting the words: “by the Peel Watershed Land Use Planning Commission in its recommended plan,” and replacing them with the words: “in Chapter 11, Land Use Planning of the *Umbrella Final Agreement*.”

On the amendment, Minister of Energy, Mines and Resources, please.

Hon. Mr. Rouble: I trust that all members will agree with me that it's important to demonstrate and reaffirm the paramouncy of the *Umbrella Final Agreement* and the significant work that was put into it. When the Liberal leader concluded his comments, he cited the direction given by the *Umbrella Final Agreement*. Also the recommended plan references the *Umbrella Final Agreement*. Let's eliminate part of this circular process and recognize the paramouncy of the *Umbrella Final Agreement* with this amendment.

Also this would clear up some of the confusion created by the Leader of the Liberal Party regarding some of the semantics here because, during his discussion earlier today, he discussed planning principles, planned principles, commissioned principles and the principles inherent in the plan. He also didn't mention any of the principles and goals, though, including the six guiding principles that underline the *Peel Watershed Regional Land Use Plan* that are identified in the report.

I offer this as a way of clearing up the confusion of this and of recognizing the paramouncy of the *Umbrella Final Agreement*, as it is the guiding document that should provide direction on this issue.

I'm reminded of the legal nature of the document by the Minister of Environment. I trust that members opposite will see this as the friendly amendment that it is and that it provides greater clarity and certainty to the issues that we're discussing.

Government of Yukon is very much looking forward to working with our partners in this issue, with the affected First Nations and with other stakeholders to create a long-term land use plan that will provide for greater certainty and direction for this area. We have accomplished this in the past in other areas. We recognize that we do have significant responsibilities to Yukoners. In the past, we have demonstrated our ability and capacity to roll up our sleeves and do the hard work, and to do the work with the First Nation orders of government in order to accomplish these plans. We look forward to having the support of all members of this Assembly as we go forward to do just that in the Peel region.

Mr. Fairclough: Mr. Speaker, I won't be too long in talking to the amendment put forward by the Minister of Energy, Mines and Resources.

Although, Mr. Speaker, you agree that this amendment is in order, we feel that it has changed the motion tremendously. We wanted to hear what the minister and the government had to say about the principles of the Peel Watershed Planning Commission and its recommended plan. It goes without saying that chapter 11 will apply and it should always be in everything

that we do — the UFA — the way that it's written should guide our processes here in government and the decisions that are being made.

It's clear that this Yukon Party government plans to throw out the recommended plan by the Peel Watershed Planning Commission — that's clear. I mean, the minister actually said a lot in his amendment here today. We're not going to be voting against this. How can you vote against what is laid out in chapter 11 of the UFA? But what the minister effectively has done is change the motion and its meaning — the government's commitment into the Peel Watershed Planning Commission's recommendation and the principles that go with it — because that was included in the motion. The Yukon Party gutted it again and didn't want to debate it in this House.

I feel it is not something that is friendly. I mean, why can't the Yukon Party just come out and say what is on their minds or what direction they will be taking when it comes to the Peel Watershed Planning Commission's recommendations, because that is part of the motion. Instead, what we've seen again — and this is classic of the Yukon Party — is that they hide behind chapter 11 of the *Umbrella Final Agreement* and bring that out again. We are fully in support of the *Umbrella Final Agreement* and how it should be implemented in everything the government does — we are supportive of that. The Yukon Party just ran away from this motion. We saw what they did to the previous one — adjourned debate. I almost thought that the same thing was going to take place here. What they have done is they took out the wording "... by the Peel Watershed Land Use Planning Commission in its recommended plan," and replaced it with "... in Chapter 11, Land Use Planning of the *Umbrella Final Agreement*."

It is a shame that the minister couldn't say too much on all of the motion when, at the beginning of his discussion, he said he agreed with the motion. Then along came a piece of paper and we find amendments to the motion five minutes later — or a few minutes later. Really, what does the Yukon Party really have in mind? Are they going to take this land use planning commission's recommended plan and shelve it?

The changes that they've made to the motion was to look at the principles set out in the Peel Watershed Planning Commission and its recommended plan and develop a land use plan prior to the next Yukon territorial election. So, it's quite clear where the Yukon Party's going with this. They have no intention of taking any of the recommendations of the Peel Watershed Planning Commission plan forward. It's a shame, but it's clear that they will basically throw out the plan. That's basically what they're saying. We agree. We're not going to be voting against that just because the Yukon Party wants to include clear wording — if it isn't clear already in the UFA — into this motion about chapter 11.

We're not going to agree with that, but it does change a lot of things. I can't see why the Yukon Party can dig deep and really talk about the Peel Watershed Planning Commission's recommended plan and the principles that have been laid out in it. Nothing has been said — the Premier said about the Peel Watershed Planning Commission or the Peel watershed in his budget speech. It's clear where the Yukon Party is going and

it's a shame that they have to bring forward such a recommendation and change, in our view, to the motion that was presented in this House.

I think the Yukon Party members should look closely at what they've just done and perhaps they could bring forward their own motion when it comes to the Peel Watershed Planning Commission's recommended plan and the principles that are in it. Perhaps they can bring their own forward and maybe bring another one forward about the guidance of the *Umbrella Final Agreement*. We wanted to see the Yukon Party deal with this motion and they're not. They've changed it; it's a shame.

Hon. Mr. Fentie: Mr. Speaker, I want to express that the government side recognizes the merit of the motion that was tabled by the Liberals, the Official Opposition, but I think, given the statements made, we have to delve into some of the reasoning, the rationale and the positioning of the Liberals in the House.

The Member for Mayo-Tatchun has mentioned change and it would be very helpful if the Leader of the Official Opposition, the leader of the Liberals in this Assembly, would explain a change in the Liberals' position. I think, Mr. Speaker, we can reflect on that to some degree, given the fact that the Liberals long ago took a position whereby they categorically stated in this House that they accepted the land use plan on principle. Then on the other hand, they have stated today that the *Umbrella Final Agreement*, in chapter 11, goes without saying.

Well, herein lies a bit of a contradiction, Mr. Speaker. If the members, the Liberals, took the time to critique chapter 11, they would recognize that there are still steps in the process of land use planning, as we are obligated to conduct under chapter 11, that the governments are actually doing. That includes both public government and First Nation governments. Fundamentally — this is very simply put, although there is much more detail and comprehension in its scope — the process and the steps that are required here, given the juncture we're at with the land use planning process in the Peel watershed, is that governments are obligated to engage with affected First Nations, affected communities and Yukoners on the commission's recommended plan.

So the contradiction here is this: first, the Liberals have stated that they accept the plan in principle, which means their position is already established and that is, the plan as it exists today — ignoring the rest of this process that we are obligated to conduct as governments, both public and First Nation — we don't need to conduct those processes; the plan is done; they've accepted it. Then the contradiction about chapter 11 of the *Umbrella Final Agreement* goes without saying.

Also recently there has been another change in contradiction from the Liberals and it's in the context of the original motion. They are now stating that they support the principles of the planning commission. Those are two entirely different things, different matters, so the Liberals now are caught in a bit of a pickle, as we have said all along. First off, they've accepted the plan in principle; they've changed their mind; now they only accept the principles of the planning commission.

They have stated that the *Umbrella Final Agreement*, in chapter 11, goes without saying; yet they have clearly taken the position that would ignore the obligations of government, which are very much a part of chapter 11. So the amendment that we've tabled is to help the Liberals, to assist them in understanding what obligations government has when it comes to land use planning and to ensure that they recognize that the obligations that are housed in the *Umbrella Final Agreement* are obligations that simply can't be cast aside because of principles of commissions or other opinions.

They must be followed. They must be adhered to. They cannot be contravened. We have a legal obligation here, Mr. Speaker.

The other point that is disturbing — and that is why we've brought forward the amendment to help the Liberals in the House — are the comments made by the leader of the Liberals, the Official Opposition, with regard to third party interests.

Now, it is a concern because that appears to be another deviation from what is required not only by law, but by other factors that exist in today's Yukon, when it comes to third party interests. The leader of the Liberals simply diminished those interests to the point where government would sit down and have a discussion with proponents who happen to hold third party interests.

The concern here is that there is no recognition about the validity and the legal standing of those interests. It also represents a clear departure and misunderstanding of what chapter 11 in the *Umbrella Final Agreement* actually requires governments to do. I would encourage the Liberals to read that chapter from its very first clause to its very last clause. It would be very beneficial for them.

We also have, when it comes to third party interests, some very significant rulings in the court and I refer back to Tombstone. Third party interests in Tombstone and a very misguided process of trying to take the *Umbrella Final Agreement* and land use planning and obligations in land claim agreements and turn those into protected areas strategy were ill-advised and really created a significant problem for this territory. At least the Yukon Party government, upon coming into office, readjusted that focus and put the territory and indeed the government back on track with its legal obligations.

The court rulings I speak of — because of that misguided, ill-advised attempt at creating protected areas vis-à-vis the treaties and land use planning under chapter 11 — was such that courts had to rule and were asked to rule on the matter.

The leader of the Liberals in the House has completely disregarded those court rulings. Those court rulings, simply put, are very clear. Third party interests in any area of this territory, where land use planning may be undertaken, have legal standing. That's very important, because we — and if chapter 11 is applied — simply cannot contravene that legal standing. That's exactly why chapter 11 is written as it is. That is why governments, both public and First Nation, are obligated once they are in receipt of the commission's recommended plan to continue to do their work under chapter 11, and of course that is to engage further. That's exactly what the minister articulated to the House.

So the amendment is to help the Liberals, but it also puts the motion into perspective, and keeps it in context with the *Umbrella Final Agreement* and the obligations of land use planning by governments.

So, I would hope that this amendment is met with support and constructive comments, given the intent of the minister's approach and attempt to assist the Liberals in the House. Now we have a motion that is not only consistent with our obligations under the treaties, consistent with our obligations under the *Umbrella Final Agreement* in chapter 11, it is consistent with even recent court rulings on the matter of third party interests and their legal standing. Well done, Minister of Energy, Mines and Resources.

I actually want to commend the Liberals for at least bringing forward a motion that was focused on — with this amendment, it is now much more focused on — what we must do, but was an attempt to have the House represent clearly its position on land use planning. Now we can do that and we can all go forward and unanimously vote for the motion, as amended, and support land use planning in the Yukon Territory.

Mr. Mitchell: I would beg to disagree with the Premier and with the minister that all this has done is provide clarity in the motion. While it is in order, it substantially changes the motion. It's a completely different motion. It now is a motion saying that all of us in this room support land use planning and we support the UFA. Well, as the Member for Mayo-Tatchun said, that's self-evident, but you know, we'll get to a vote on it eventually. It doesn't change anything and it's not going to provide any clarity to Yukoners about what the position of this government is on the recommended land use plan.

The Premier laid out what he believes is a contradiction and what we believe is an imaginary contradiction. It's a contradiction because he said it is. Yes, we obviously accept that the obligations of chapter 11 of the UFA must be respected. Yes, as the Premier has stated, that clearly requires the government to meet with the other orders of government — being in this case, the four affected First Nations — to reach a final agreed-upon land use plan. Yes, if we go into all of the other details, all the variances have to go back to the planning commission and it goes back and forth. This is simply a description of the process, Mr. Speaker. That's all it is.

It doesn't preclude the Yukon government from clearly stating what its objectives are and what its view of the recommended land use plan is, just as two of the other parties to the planning process — the Tr'ondëk Hwëch'in and the Na Cho Nyäk Dun, who have the same obligation as does the Yukon government to sit down together; they have signed the letter of intent. It has not prevented them from stating what their view is of the recommended plan. Stating what one's view is of the recommended plan provides clarity. It doesn't then prevent one from negotiating with other governments who may have a different view to see if they can come to some agreed-upon solution and an agreed-upon plan.

What we were hoping to learn on behalf of Yukoners from this process was, what is the view of this government? What is the view of the recommended plan that has been submitted to

the four First Nation governments and the Yukon government for them now to negotiate and see if they can come to some common agreements? What is the view of the recommendation of this plan that is held by this government? Apparently, whatever that view is, it has to be a secret. Perhaps it has been described in some boardrooms or some other venues, but it hasn't been publicly declared.

That is unfortunate, Mr. Speaker, because we just saw an example this week in Ottawa of the view of the Speaker of the House of Commons, Speaker Milliken, on just what needs to be kept secret and what doesn't. There we were talking about national security. Even when it came to national security, a point was made that Parliament is paramount and their right to know is paramount. Apparently that is not the case in Yukon. It is not paramount for members in the opposition or for the Yukon public to know what the position is of the government of the day; it is not paramount for them to know whether there is a negotiating position; whether there is a final position that the government is prepared to take; or whether the government intends to go forward with a process and eventually say that we're at an impasse and throw the whole plan out and start again. That is what Yukoners want to know. We don't think Yukoners want to know whether this House is in support of land use planning in the *Umbrella Final Agreement*. We would presume that they already know that.

How will this motion read as amended? Is it that this House urges the Government of Yukon to work with the four affected First Nation governments and all stakeholders to develop a land use plan for the Peel watershed prior to the next Yukon territorial election, that respects the principles "in chapter 11, Land Use Planning of the *Umbrella Final Agreement*." First of all, as the Member for Vuntut Gwitchin says, there are no principles laid out in chapter 11. There are objectives laid out. So, perhaps that's what the Minister of Energy, Mines and Resources meant — to amend it to and remove the word "principles" as well.

The fact is that we would hate to see the government removing principles from any discussion. But what we're going to do here today is now we're going to have this little debate. The debate will be decided by a preordained vote, and we will vote to support that we all respect the *Umbrella Final Agreement*, which I think we knew when we woke up this morning.

Before we took a shower and got dressed, I think we knew we respected the *Umbrella Final Agreement*.

So I guess all I can say is that we are disappointed that the government wants to hold their cards so close to their vest. As far as the other comments made by the Premier regarding Mayo, Dawson and any other matter, that's just the usual political statements that are made. The lexicon is getting narrow, Mr. Speaker, and some day over a beer, perhaps we'll have a discussion about that, because it dulls with the narrowing of the lexicon. However, we're now having a debate, as the Premier liked to call it in a previous statement, that was really much ado about nothing.

With that, I'll leave it to other members to state their opinion. I just want to reiterate that it's a great disappointment to find that the government feels it is such a state secret to let

Yukoners know what their position is on a recommended plan and the principles that were laid out in it.

That they were not willing to be more open and accountable than that is a disappointment, but it's not a surprise because we are really beyond being surprised in this House.

Hon. Mr. Edzerza: Mr. Speaker, I'll be very brief with my comments here.

When we talk about the land use planning process, chapter 11 does become very critical with regard to the Peel watershed. In chapter 11 in "Land Use Planning" under "Objectives," 11.1.1.6, it states: "to ensure that social, cultural, economic and environmental policies are applied to the management, protection and use of land, water and resources in an integrated and coordinated manner so as to ensure Sustainable Development."

Mr. Speaker, it's laid out pretty plainly, the process that has to take place with regard to the land use planning process, whether it's in the Peel or whether it's in any other location.

It's a very well-developed and well-structured process that has to be followed. I think that the members in opposition probably don't understand that there is a very defined process to follow when it comes to land use planning and that's basically all this government is doing. We're following the legal obligations that we have. The guidelines are quite plain.

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

Some Hon. Member: Agree.

Some Hon. Member: Disagree.

Speaker: I declare the amendment carried.

Amendment to Motion No. 989 agreed to

Speaker: Is there any further debate on the motion as amended? Are you prepared for the question? Are you agreed?

Some Hon. Member: Agree.

Some Hon. Member: Disagree.

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

Motion No. 989 agreed to as amended

Motion No. 1031

Clerk: Motion No. 1031, standing in the name of Mr. Cardiff.

Speaker: It has been moved by the Member for Mount Lorne

THAT this House urges the Yukon government to delay debate on Bill No. 82, *Civil Forfeiture Act*, until a further sitting, to allow sufficient time to have meaningful public consultation on its implications for Yukoners.

Mr. Cardiff: I think we've had much discussion on this issue in the Legislative Assembly, and there's much discussion out in the community at large. As a matter of fact, this afternoon I spoke with a few people. I was phoned by some young people who are out on the street at this very moment, who are talking with people about their concerns with this piece of legislation.

The first concern that we have is the fact that this piece of legislation — and I heard the Premier earlier today in Question Period talk about this legislation being a child of the Legislative Assembly and that it was brought forward because a motion was passed unanimously in this Legislative Assembly. The Minister of Justice is nodding her head, as is the Minister of Environment. I would like them to show me where I, as the Member for Mount Lorne, or the Member for Whitehorse Centre, voted in favour of that motion. They can't show me that, because I can tell you right now that I was accompanying the Minister of Environment, who didn't vote for that motion as well, because we were in Copenhagen attending the climate change conference, and my colleague, the Member for Whitehorse Centre, was ill. Neither of us had an opportunity to speak to the motion, and neither of us voted in favour of the motion.

So I would respectfully submit that we did not give our approval; however, we understand — I'm just waiting for the advice to be given and a ruling to come down.

Some Hon. Member: (Inaudible)

Point of order

Deputy Speaker: Minister of Justice on a point of order.

Hon. Ms. Horne: The member of the Third Party, the NDP, was mentioning people being out of the House — who was out of the House — and that is against Standing Orders.

Speaker's ruling

Deputy Speaker: With regard to the point of order, it is a common practice that members do not refer to who was in or outside the House during debates. I would encourage the member not to comment on who was present or who wasn't present during debates.

Mr. Cardiff: I was just trying to clarify the facts — “Just the facts, ma'am.”

The motion is urging the government to delay debate on the *Civil Forfeiture Act* until a further sitting, to allow sufficient time to have meaningful public consultation on its implications for Yukoners. The minister has gone on, and she's in receipt, I believe, of a letter signed by me and the Leader of the Third Party regarding our position on this.

I very much appreciate the fact that the minister is willing to listen to the concerns that we have and that other Yukoners have with regard to this legislation and that they're willing to at least entertain amendments. That's progress. The question is whether or not they're willing to go so far as to entertain public consultation.

The government has done extensive public consultations on other pieces of legislation and I'm not suggesting for a minute that we need to form another select committee. I see cheers coming from the centre of the room on this matter. What I am suggesting is the government has done consultations on other pieces of legislation, specifically the *Victims of Crime Act*, where they had a process that was designed to give the public an opportunity to study the bill and look at it, look at the implications that it had, and for the public to provide their views.

Not the RCMP or the Crown attorneys. It's about the public. This is going to affect the public in a big way.

We have provided the minister with some guidance around some of the concerns that we've heard from the public and our constituents on this matter. We feel that it is important that when this piece of legislation does go out for public consultation and when the government does finally see the light and delay debate, whether it's at Committee of the Whole — I'm still willing to discuss this piece of legislation in Committee of the Whole, and I'm sure the Member for Porter Creek South and the Member for Vuntut Gwitchin, who have raised this issue repeatedly in Question Period, would be more than willing to have a conversation with the minister in Committee of the Whole. What we're asking is: don't pass the piece of legislation; don't give it third reading and assent; let's have a discussion; let's see how we can make this better and then, much as we did with the *Smoke-free Places Act* — ask government officials to take it out to the public, to the young people who are going up and down Main Street asking people to sign petitions for the government to hold back on this and allow people to have their say about a piece of legislation.

Now, we support the concept of confiscating the proceeds of crime. What we don't support and what we can't support — and I'm not going to go into great detail, because the minister and other members can read the 20 minutes that I put on record during the second reading speech on this bill to learn some of the concerns that I had.

I am pleased that the government is willing to look at some changes with regard to the retroactivity of this bill, the definition of “unlawful activity”, the provision of paying costs in respect to proceedings under the act, and to report on the act. I think that's progress, but the public still deserves an opportunity.

The Premier likes to use the phrase “due process” all the time in this Legislative Assembly. Due process was followed with Bill No. 81, *Victims of Crime Act*, and the public was allowed to review the piece of legislation, as with other pieces of legislation that have come before this Legislature. We in the New Democrat caucus see no reason why the government can't extend the public the same courtesy and the same respect on a piece of legislation that could have negative effects on the public and on innocent persons.

There are a number of concerns and we have outlined them in a letter.

We feel that there should be some changes made to the bill, but we don't have the same resources that the minister or the government has when it comes to legal drafting of legislation with regard to getting legal opinions on what changes to the legislation may have implications on other portions of the legislation. So, we've constructively laid out the arguments that we can see, but we feel that — are they going to keep talking or do I have to talk over them? Thank you.

We feel that the public deserves an opportunity to comment on this legislation, to bring forward their concerns. We're doing our best in the New Democratic caucus to bring forward the concerns that have been raised with us but the public — and there is a process. The Minister of Justice used it previously.

We just feel that it only makes sense to extend that courtesy and that respect to citizens of the Yukon so that innocent people adversely affected through the confiscation or forfeiture of property — basically, the legislation is about — it doesn't say that you're innocent until proven guilty; it basically says that you're guilty until you can prove your innocence.

We feel that is a flaw that needs to be remedied. The government has yet to explain in a comprehensive manner that that's not the case. They haven't been able to show us the proof, so to speak, that there are adequate protections for innocent people.

I'm not going to go on any longer on this. As I said, if members want to hear more about my concerns, they're more than welcome to read the 20 minutes that I put on record during the second reading speeches with regard to this legislation.

What we're doing here is urging the government to still have a discussion about the legislation with members here in the Legislative Assembly, but to hold back until a future sitting bringing forward legislation that has gone out so the public has had an opportunity to have some input and we as legislators, as leaders, have had an opportunity to hear what the public has to say. I know it's my intention to meet with some of these people in the near future to hear what their concerns are, and maybe I will have more to contribute in Committee of the Whole debate at that time. But I think the minister and all members on the government side should respect and show courtesy to the Yukon public before finalizing this legislation, giving it third reading and granting it assent. Thank you.

Hon. Mr. Fentie: Mr. Speaker, the government side first wants to take us briefly back in some history into why the bill is before the House. I refer to *Hansard* of December 16, 2009, and the motion that was brought forward from the Member for McIntyre-Takhini.

If I may, and the House would bear with me, I would like to read into the record what is already on record in *Hansard*, but for the purpose of the debate today, read into the record the motion. It is Motion No. 842, and it was moved by the Member for McIntyre-Takhini:

“THAT this House urges the Government of Yukon to explore and bring forward civil forfeiture legislation that would allow the government to seize the proceeds of criminal activity.”

Now I think that is very explicit — clear on what the intent and purpose of the Member for McIntyre-Takhini's motion was all about and what it actually directed government to do. And I say that — “directed government to do” — because albeit not all members voted, the majority of this House voted in favour of proceeding with that direction. I emphasize “that direction.”

I have heard the Liberals in this House on many occasions talk about the purpose of this Assembly and ensuring that we live up to the standard required as members of this Assembly, and I share that, Mr. Speaker, because that is exactly what transpired.

The bill before this House is the child of that motion, and the direction by standing vote of this Assembly was to do ex-

actly as was done. That's not to say that there was no intention of further engagement with the members opposite.

You know, especially the Liberals constantly talk about how they represent Yukoners — how hundreds of Yukoners are calling them. Surely they would have brought forward some of their constructive amendments to the bill, if indeed that was the case. But this comes down to that very fundamental principle of the standard of our representation and position in this Assembly and following what this institution directs each member to do.

So I'd like to fast-forward to where we're at. One of the things that is problematic with this is that there's a false perception in the public. That false perception is the fact that this act has already passed and innocent people are going to be harassed, are going to lose their assets, they're going to have to prove that they're guilty or not.

There's a lot of misinformation in the public and that's a problem because right now, today in the Yukon, the federal government can waltz in here and seize assets if, in fact, there is a link to proceeds of crime. I think it's important and incumbent upon us all to recognize that and, in the best interest of the Yukon public, make sure that Yukoners are not only being protected, but indeed the very intent of what this is all about is to address and focus strategically on criminals and criminal activities and the proceeds that they garner from those activities. That's not to say that the bill and its content of today is perfect, but that's why we presented it to the House.

It's all about debate — debate that is an incumbent requirement of every member of this House. Now, at least the Member from Lake Laberge, the Independent member, and the Third Party members have honoured that commitment and obligation by coming forward with suggestions and by working with the minister and others in government on the bill. They are doing their job. I would hope that the Liberals would follow suit.

That said, Mr. Speaker, we the government are in receipt of what I would call a very important, constructive list that would be comprised of input by the Third Party in doing its job, and we will continue to work with the members of the House who wish to do their job in representing Yukoners and the best interests of Yukoners.

That said, let me now refer to the motion, as tabled by the Member for Mount Lorne, the member of the Third Party. Frankly, the motion is explicit, clear in terms, and meets with exactly what the government has presented to this House: the need for us, should it be required, to continue with debate, even to extend debate and to further engage the public if the members of this House feel and deem that to be a necessity, given the fact that the federal government today can come into the Yukon and seize assets and other materials and other valuables, should it be deemed that they are proceeds of crime.

So it's incumbent upon us to do our jobs.

The motion, as tabled, Motion No. 1031, is thus, and I would like to read it into the record for emphasis — You know, I don't know what the Member for Vuntut Gwitchin finds funny here, but I find that another example of the Liberals inability to recognize the station of their office and the standard

required for every member of this House for their conduct. Mr. Speaker, the motion says:

“THAT this House urges the Yukon government to delay debate on Bill No. 82, *Civil Forfeiture Act*, until a further sitting, to allow sufficient time to have meaningful public consultation on its implications for Yukoners.”

Yes, we couldn't agree more. That's exactly what we are doing here with it on the floor of the House. That's what debate is all about and it's up to this House, because of the direction of the Assembly and the members of this House, to do so. Therefore, the government fully supports the motion as tabled by the Member for Mount Lorne and would now encourage all members to recognize that, in the course of debate, their input is not only valuable, but it is required. I thank the Member for Lake Laberge, the Independent member, for the input brought forward by that member in living up to his obligations to the Yukon public.

I thank the Member for Mount Lorne — the member for the Third Party — for his and his party's input in living up to the commitment and obligations we have in this House as elected members, and I would encourage the Liberals of this House to follow suit. The government will be supporting this motion. Thank you.

Mr. Inverarity: Well, that was quite the show. I have to say that I am a little dumbfounded by the position of the Premier and his comments here this afternoon. I think that as we get into this debate, we're going to see exactly what Yukoners have to say about this. The member for the Third Party alluded to a conversation he had this afternoon with concerned citizens. Well, Mr. Speaker, those concerned citizens came by and saw me this afternoon. They had a chat with me about this particular piece of legislation and, in fact, they have gone so far as to create themselves a new group called the *Civil Forfeiture Act* group within the Yukon.

Their opening statement — and I'm going to read it here today, as the Premier is very concerned about what the public has to say: “We are a group of concerned Yukon citizens ...” — and I'm quoting, Mr. Speaker, — “... who oppose the proposed *Civil Forfeiture Act*, currently in its last stages of legislation. This proposed act enables the government to seize and possess your property, based on suspicion of illegal activity, without requiring any proof of criminal wrongdoing. This is a direct violation of our Canadian Charter of Rights and Freedoms, and we will not stand for the dismantlement of our Civil Rights. The government believes that they can create legislation that removes our freedoms without any public input or consultation. They are wrong. If you...” —

Some Hon. Member: (Inaudible)

Mr. Inverarity: — Mr. Speaker, do I have the floor or not?

Speaker's statement

Speaker: Please respect the rules of this House, and when another member is speaking, please refrain from commenting.

Member from Porter Creek South, you have the floor.

Mr. Inverarity: I'm just reflecting the outrage that I heard this afternoon. “If you value your rights and freedoms, please join us in a peaceful protest of the *Civil Forfeiture Act*, taking place at the Legislative Building located on Second Avenue, beside the Public Library in Whitehorse, May 6th at noon. We must take steps to ensure the freedoms of all Yukoners, now and for the future. We encourage EVERYONE to take a stand and practice your democratic right by calling your MLA to show support for our cause. If we stand idly by and do nothing then we have no cause to complain when we become victims of our own government.”

“Victims of their own government”, Mr. Speaker — that's how serious this issue is with the public out there. I have to commend the three individual young men who came by my office this afternoon and, for anybody who's interested in the statement, by the way, they have a Facebook page you can go to. If you just search “Yukoners for civil freedom” it will come up and you can voice your opinions on this particular legislation at the same time.

Some Hon. Member: (Inaudible)

Mr. Inverarity: Well, there are over 100 there now and it has only been one day.

The three individuals, Mark Hockley, Ben Fromme and Mika Hoescele, came by this afternoon to discuss this. They're serious; they have a large group of individuals who are helping them out and they're going to take it to this government so they know that this legislation should go out for public consultation, which they should have done in the past five months since we had this discussion back in December on this act.

Did we agree with it? Yeah, I've said that in the House, but part of this process is public consultation and you haven't done that.

As an additional item, I'd like to read into the record another couple of things that these young gentlemen brought before me this afternoon that I think are important to read.

Some Hon. Member: (Inaudible)

Point of order

Speaker: Order please. On a point of order, Member for Southern Lakes.

Hon. Mr. Rouble: I appreciate that this is a heated debate sometimes; however, the microphone does not capture the hand gestures made by the Member for Porter Creek South. Now, I'm not going to put it on the record what was just flipped to me, but I would encourage all people to remember the Assembly and the dignity that we're supposed to display in here.

Speaker: On the point of order, Member for Vuntut Gwitchin.

Mr. Elias: On the point of order, Mr. Speaker, I don't see any point of order. Can the Member for Southern Lakes point out what part of the Standing Orders he's referring to?

Speaker: From the Chair's perspective there is no — do you want in on the point of order? Member for Porter Creek South, please.

Mr. Inverarity: I have not given any or used any hand gestures in this area at all. I am being emphatic just like I'm doing right now and I don't think that these gestures are unrea-

sonable. I've seen the minister over there do the same thing himself at times, so there is no point of order here.

Speaker: Well, actually I'm the one who gets to decide whether there is a point of order or not. Minister of Justice, do you want in on this?

Hon. Ms. Horne: The gesture may have been involuntary, but there was a gesture.

Speaker's ruling

Speaker: From the Chair's perspective, there is no point of order. The Chair cannot control honourable members' gestures at each other. I would only then ask members to direct their comments through the Chair. That will save a lot of this issue from arising.

Member for Porter Creek South, you have the floor.

Mr. Inverarity: I can't make any comments regarding the motion, so I won't.

I was about to read into the record here another document that was passed forward to me this afternoon by these young gentleman who have a strong feeling and a severe conviction regarding this particular act that is being brought forward. In bold letters they are saying, "Why were you not informed???" The government is trying to pass the *Civil Forfeiture Act* without public consent. This act will jeopardize your rights." It says, "Your property may become guilty until proven innocent. This proposed act enables the government to seize and possess your property based on suspicion of illegal activity."

Please stand with us against the *Civil Forfeiture Act* on May 6 at 12:00 p.m. at our legislative building. The government believes they can create legislation that removes our freedom without any public input or consent and they're wrong."

For more information, again, they refer to the Facebook page that I had earlier.

Mr. Speaker, it's clear that this legislation needs to go out to the public. It needs to be withdrawn from the floor soon. It should not be passed without some consideration to the actual public out there. There is a lot of information, and the public needs to have a say in this, and they're going to have a say.

This is purely — purely — a public-driven activity. They've come out and they're outraged by what's going on here. I think that it needs to be looked at. I know that they have a lot of concerns and I know that over the next little while, they'll be bringing those concerns to the Legislative Assembly, Mr. Speaker. They're concerned about how it may affect their rights and their property.

They've put forward another document that they're circulating around. What it says, Mr. Speaker, is, "The *Civil Forfeiture Act* gives the government the right to seize someone's property, money and possessions based only on suspicion of criminal activity happening in the past or in the present."

I know that they were very concerned about this act being retroactive for 10 years — that they can go back, and if they had some issue 10 years ago, that the government can come today and seize their property.

"The courts would be given the ability to seize property that is assumed to be the result of unlawful activity, even when: no one has been charged with the offence that represents the

claim of unlawful activity; the person charged with the offence is acquitted of all charges in the court of law; and the charges were stayed or do not continue in court."

These are specific issues that they have that we have raised in the House over the past couple of weeks in Question Period, and you can see the public is equally concerned about these specific issues.

The minister talks about bringing forward amendments. Well, we have yet to see this come back on the floor, but even if it did, I pointed out earlier today in Question Period that we have not had one single amendment to an act in the four years that I've been in the Legislative Assembly that has been accepted by this government, and we're to believe that all of a sudden they've had an epiphany and that they would allow it? Well, it sounds like smoke and mirrors to me.

As I quote again from this document, as Richard Mostyn said from the Yukon News, explains — and I quote him: "... you will not be found guilty of any crime before you suffer the consequences. In fact, the government may not have enough evidence to bring charges against you. They just have to convince a judge that the whole affair — whatever it might be — looks suspicious." That was in, I believe, the *Yukon News* on April 21.

You can see that this concern about this legislation is deep-rooted in the community. Not only is it in the newspapers and on the radio every day, but there are individuals who are seeking to find out more information, and they want to consult with the government on it. "The *Civil Forfeiture Act* is headed to its third reading in the Legislative Assembly. This means it is in the last stages before potentially being passed as law." In fact, the government doesn't even have to bring it back to the floor. It will fall under the guillotine act on the May 20.

"We, the public, were not consulted ..." — do I have the floor, Mr. Speaker? I still hear chitter-chatter over on the other side.

"We, the public, were not consulted in relation to this bill. We get no vote. The only people the government have looked to for advice are the RCMP and the Crown prosecutor's office; two groups who have the highest potential to benefit from this bill."

"Bill No. 82 is vague; in direct violation of the *Canadian Charter of Rights and Freedoms*; under-discussed by the people who were chosen to represent the public; and potentially harmful to every Yukoner, regardless of their criminal/ or lack of criminal history." It says, "Voice your opinion. It's our right as Canadians." And it says, "Call your MLA."

Mr. Speaker, in the past, I've had a couple of discussions with the minister here, certainly during second reading. Today the young gentleman who came to me talked about the *Canadian Charter of Rights and Freedoms* and how this might be in violation of that. Specifically, he brought forward the issue of search and seizure. This is from the *Canadian Charter of Rights and Freedoms*: "Everyone has a right to be secure against unreasonable search or seizure."

This act allows for that to happen. I think that it's important that the government start paying attention to the public.

Also, and for the record, I brought forward the issue around second reading that this act may not even meet the Yukon *Human Rights Act*, which is a paramount act in the Legislative Assembly. Under article 6 of the Bill of Rights in the Yukon *Human Rights Act* says that every individual has a right to peaceful enjoyment and free disposition of their property, except to the extent by law and no one shall be deprived of that right except without just compensation.

I believe this particular act fails to meet that standard. It gives people the right to come in and seize property and take it without that being met. It's important that this *Civil Forfeiture Act* be tabled.

The minister has said that's what they're going to do, that they support this mission. Actually, let's clarify that a bit. He said they supported this motion on the floor; he did not say that they would actually pull this legislation from this sitting and go out and get public consultation. So we're not really sure, and I can tell you I don't have that much faith that this act will not be brought forward on May 20. If the minister would have one of his other ministers stand up and say categorically that they're pulling this legislation, then great.

I believe that it's important that we go forward and take this legislation out to the public because if they don't, the public will be coming here; we'll be seeing them, and the minister — just like some of the other acts where we had the gallery full of individuals protesting their concern about this particular piece of legislation, this group wants it pulled totally. Not even public consultation — or if they do then bring it back, that public consultation happens prior to it being tabled on the floor of this Legislative Assembly. I think that's a reasonable request. Clearly there's an outrage. Clearly the people have spoken and they will be speaking over the next week or so and it's about time the government started listening to them.

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

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. Hart: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Hon. 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 16 yea, nil nay.

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

Motion No. 1031 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair: Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 20, *First Appropriation Act, 2010-11*. We will now continue with general debate in Vote 54, Department of Tourism and Culture. Do members wish a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 20 — *First Appropriation Act, 2010-11* — continued

Chair: The matter before the Committee is Bill No. 20, *First Appropriation Act, 2010-11*, Vote 54, Department of Tourism and Culture.

Department of Tourism and Culture — *continued*

Chair: We will now continue with general debate.

Hon. Ms. Taylor: When we left off yesterday, as I seem to recall, there were a couple of questions from the Member for Mayo-Tatchun with regard to Montague Roadhouse, as well as the *SS Evelyn*. In speaking with the department, just for clarity, the Montague Roadhouse receives regular inspections and maintenance as part of our ongoing historic sites maintenance program. With regard to the *SS Evelyn*, we have installed interpretive signage at the site and have done some maintenance on this institution.

Chair: Is there any further general debate? Seeing none, we'll proceed line by line in Vote 54.

Mr. Inverarity: I request the unanimous consent of the Committee to deem all lines in Vote 54, Department of Tourism and Culture, cleared or carried, as required.

Unanimous consent re deeming all lines in Vote 54, Tourism and Culture, cleared or carried

Chair: Mr. Inverarity has requested the unanimous consent of Committee of the Whole to deem all lines in Vote 54, Department of Tourism and Culture, cleared or carried, as required. Is there unanimous consent?

Some Hon. Members: Agreed.

Some Hon. Members: Disagreed.

Chair: Unanimous consent has not been granted. Committee of the Whole will now proceed with line-by-line debate.

On Operation and Maintenance Expenditures

On Corporate Services

On Deputy Minister's Office

Deputy Minister's Office in the amount of \$367,000 agreed to

On Directorate

Directorate in the amount of \$160,000 agreed to

On Human Resources

Human Resources in the amount of \$178,000 agreed to

On Information Management

Information Management in the amount of \$181,000 agreed to

On Finance and Administration

Finance and Administration in the amount of \$407,000 agreed to

On Policy and Communications

Policy and Communications in the amount of \$466,000 agreed to

Corporate Services in the amount of \$1,759,000 agreed to

On Cultural Services

On Directorate

Hon. Ms. Taylor: This contains expenditures for personnel, but also contracts, communications for the Cultural Services branch, printing, vehicle expenses, and out-of-territory travel. It also supports transfer payments, including support to municipalities and organizations for activities promoting extension of a visitor's stay in the Yukon.

Directorate in the amount of \$474,000 agreed to

On Heritage Resources

Hon. Ms. Taylor: Again, as we were talking about yesterday, it includes personnel costs associated with heritage resources, a very important unit within our Department of Tourism and Culture, including the positions of toponymist, archaeologist, paleontologist, and summer student. It does include research contracts, as well as program materials related to the purchase of a variety of materials for film, recording tapes, film processing and so forth associated with heritage resource awareness materials.

It also includes payment for the Yukon Science Institute for major public lecture series, again toward increasing public awareness of resources, research and preservation.

Heritage Resources in the amount of \$833,000 agreed to

On Historic Sites

Hon. Ms. Taylor: I did want to point out that we were very pleased to be able to include a new position, including the historic sites registrar, I believe it is, and it was the historic

places initiative that was a federally funded initiative. That is no longer the case, but it did entail a position for historic sites registrar. So this is very important to the heritage community and is very deserving of recognition and mention. I just wanted to thank the Yukon Heritage Resources Board, as well as Yukon Historical and Museums Association for their support and, of course, to this particular area within Cultural Services for the good work that they have done in implementing the historic places initiative, including the registrar, as well as implementing the guidelines and standards associated with historic sites.

Historic Sites in the amount of \$885,000 agreed to

On Museums

Hon. Ms. Taylor: It is very important to point out that this is a very important expenditure. It includes a number of associated costs for personnel within our own department, but it also includes museums, operating funds, funds for cultural heritage centres, as well as funding for the heritage arts and culture capacity development — that is, the heritage certificate program, delivered through Yukon College. As well, there is another initiative for building further capacity in the heritage community, delivered through the community trust fund.

It does provide also \$350,000 for museum assistance, as well as money for museum conservation and security.

Museums in the amount of \$2,222,000 agreed to

On Yukon Beringia Interpretive Centre

Hon. Ms. Taylor: Beringia Interpretive Centre has been with Yukon for a number of years, and they provide a front-line interpretive program featuring the Berginian Era. Of course, for any of us who have had the opportunity to be at the interpretive centre and take part in some of the programs they deliver, they do an amazing job for all ages and all walks of life. Of course, this funding is for ongoing costs associated with the continued operation of Beringia. It includes a number of positions, both seasonal as well as auxiliary on-call and our manager as well.

It's very important that we continue to enhance the program delivery with this particular institution, and the staff are to be commended for the great job that they do in ensuring that we do preserve and that we also promote Yukon's history.

Yukon Beringia Interpretive Centre in the amount of \$304,000 agreed to

On Arts

Hon. Ms. Taylor: Mr. Chair, this is another large expenditure and one that is very deserving of recognition. This expenditure, again, includes personnel within our department. It also includes expenditures for a number of arts-related programs that we are very pleased to deliver, which include the Yukon Arts funding program, the arts fund and the artist in the school program. With the artist in the school program, we were very pleased to increase funding numbers from \$25,000 to \$100,000 about two years ago. For the touring artist fund, which has been hugely popular, there was another new funding mechanism that we were able to introduce recently. It also includes: funding for the continuation of the advanced artists awards; funding for the Dawson City Arts Society; the operating grant to the Yukon Arts Centre; the decade of sport and

culture; and continued funding for the cultural venue of The Old Fire Hall — \$150,000 to be exact. In fact, they have done a stellar job in providing a community venue, one which also joins with a number of cultural venues including the Guild Hall.

We'll get to that expenditure as well, but there is a total of \$648,000 for the Guild Hall housed within the department. Again, The Old Fire Hall programming — my thanks to the Whitehorse Chamber of Commerce and to the Yukon Arts Centre and to all of the organizations that continue to use this particular venue. It has served to help revitalize the downtown core and it's an amazing community venue that has really brought life to the area and has become a much-loved cultural venue.

Mr. Chair, seeing the time, I move that we report progress.

Chair: It has been moved by Ms. Taylor that Committee of the Whole report progress.

Motion agreed to

Hon. Ms. Taylor: Mr. Chair, I move that the Speaker do now resume the Chair.

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order. May the House have a report from the Chair of Committee of the Whole?

Chair's report

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 20, *First Appropriation Act, 2010-11*, and directed me to report progress.

Speaker: You have heard the report from the Chair of Committee of the Whole. Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:30 p.m.

The following Sessional Papers were tabled April 28, 2010:

10-1-155

Yukon College 2008/2009 Annual Report (Rouble)

10-1-156

Yukon College Audited Financial Statements (dated October 23, 2009) prepared by the Office of the Auditor General of Canada (Rouble)

10-1-157

Yukon Child Care Board April 1, 2009 – March 31, 2010 Annual Report (Hart)

10-1-158

Yukon Health and Social Services Council 2008-2009 Annual Report (Hart)