

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Wednesday, May 19, 2010 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

Tributes.

## TRIBUTES

### In recognition of Speech and Hearing Awareness Month

**Hon. Mr. Hart:** Mr. Speaker, I rise in the House today to pay tribute to professionals who are working to improve life for those who have speech and hearing difficulties. May is Speech and Hearing Awareness Month. It's a time designated to raise awareness about the difficulties many Canadians experience with hearing and speech disorders.

*[French spoken]*

We take communications for granted, but the truth is, it's hard enough understanding each other when we have full hearing and no speech issues. Imagine trying to do your job in this House if you had a hearing impairment or trouble getting your words out. Fortunately we have experts in this field who are trained to identify the problems and either mitigate or resolve them. It's vital to identify speech and hearing problems as early as possible.

Babies absorb language easily by hearing. Children learn by listening to us. They can't tell if the hearing is normal or not. That's why it's vital for us to pay attention to any sign that a child may have a hearing problem and take them to experts if we suspect that they do. Rehabilitation works, but the earlier the problem is identified, the better chance a child has of avoiding developmental delays.

*[French spoken]*

Speech and language pathologists and audiologists evaluate and treat a full range of disorders. In Yukon we are fortunate to have access to these speech-language professionals, either as staff or as visiting professionals. This year, Yukon is hosting the Canadian Association of Speech-Language Pathologists and Audiologists conference here in Whitehorse, from May 19 to 22. I would like to offer the members of the association a warm welcome and wish them a successful conference. Thank you, Mr. Speaker.

### In recognition of World Hepatitis Day

**Mr. Fairclough:** Mr. Speaker, I rise today on behalf of the Assembly to acknowledge World Hepatitis Day. World Hepatitis Day was first launched in 2008, with a campaign awareness theme, "Am I number 12?" It was a simple message designed to communicate that one in 12 people worldwide are living with viral hepatitis B or C. Hepatitis is increasing rapidly

in Canada and around the world. An estimated 250,000 people in Canada are infected with the hepatitis C virus.

In the Yukon, 796 people have been diagnosed with hepatitis C as of August 2009. Yukon has the highest hepatitis C rate in Canada, more than twice the national average, with 41 new cases reported in 2007 and 30 reported in 2008.

Hepatitis C is an infectious virus that is carried in the blood and infects the liver and can be spread through contact with infected blood or contaminated needles. Most people newly infected with hepatitis C have no symptoms and are unaware of their infections but are at risk of liver damage and liver cancer and can still pass it on to others.

Approximately 75 to 85 percent of people who become infected with hepatitis C progress to a chronic carrier state. We need to have better awareness and understanding of this disease.

Blood Ties Four Directions is a Whitehorse-based organization that works to help educate and support people who have blood-borne diseases like HIV and hepatitis C.

By drawing our attention to hepatitis C and making us aware of the support and compassion that is needed, Blood Ties has helped to put a human face on this disease.

Many people don't come forward for the fear of discrimination and the stigma associated with hepatitis C. The test for hepatitis C is simple: it only requires a blood test. Blood Ties Four Directions and the No Fixed Address Outreach van, along with our existing Health and Social Services' work with clients, providing counselling and nursing services, education and referral services with issues related to substance abuse, homelessness and HIV and hepatitis C infections.

We would like to take this opportunity to thank all the front-line workers, counsellors, health professionals and volunteers for their dedication and perseverance in the ongoing battle to educate and protect our citizens' health. We must all be vigilant and take the precautions necessary to protect oneself and others from the hepatitis C virus. If we can only educate the public and help reduce the incidence of hepatitis C, we can save lives.

Blood Ties staff will be outside the Elijah Smith Building today from 9:00 a.m. to 4:00 p.m. to raise public awareness of hepatitis C disease.

**Speaker:** Are there any further tributes?

Introduction of visitors.

Returns or documents for tabling.

## TABLING RETURNS AND DOCUMENTS

**Hon. Ms. Horne:** I have for tabling the Yukon Judicial Council annual report for 2009.

I also have for tabling the annual report of the Yukon Advisory Council on Women's Issues for 2009-10.

**Hon. Mr. Fentie:** I have for tabling the Yukon Liberal members' candidate code of conduct, their contract with Yukoners.

**Speaker:** Are there any further documents for tabling?

Are there any reports of committees?  
Are there any petitions?

## PETITIONS

**Mr. Elias:** I have for presentation a petition regarding ATV legislation and it is signed by 610 individuals.

**Speaker:** Are there any further petitions for presentation?  
Are there any bills to be introduced?  
Are there any notices of motion?

## NOTICES OF MOTION

**Hon. Ms. Horne:** I give notice of the following motion:

THAT the Yukon Legislative Assembly, pursuant to section 22(2) of the *Human Rights Act*, does appoint Vicki Hancock and John W. Phelps as members of the panel of adjudicators for terms of three years effective immediately.

**Mr. McRobb:** I am pleased to give notice of the following five constituency-driven motions on this penultimate sitting day.

I give notice of the following motion:

THAT this House urges the Government of Yukon to make the necessary changes to the *Highways Act* to allow two road accesses to land owned privately or commercially and to relax the enforcement of the archaic existing rules until the changes have been made.

I give notice of the following motion:

THAT this House urges the Government of Yukon to honour the commitments it made to citizens to standardize highway speed limits on the north Alaska Highway following the completion of road reconstruction under the Shakwak project in the Kluane region.

I give notice of the following motion:

THAT this House urges the Government of Yukon to honour the commitments it made to citizens with residences on the Papineau Road near Dezadeash Lake, and to work with the property owners to resolve outstanding issues related to the road right-of-way to enable all property owners to have legal road access to their properties.

I give notice of the following motion:

THAT this House urges the Government of Yukon to resolve issues relating to the road right-of-way through Silver City, near Kluane Lake, and make a reasonable offer to purchase the land from the owner in Alaska.

I give notice of the following motion:

THAT this House urges the Government of Yukon to work with all concerned individuals, agencies and governments toward removal of the no-hunting corridor along the north Alaska Highway as it promised to do following the completion of road reconstruction under the Shakwak project in the Kluane region.

## Speaker's statement

**Speaker:** I would just like to remind the Hon. Member for Kluane that introductions are not permitted to notices of motion. The member simply stands up and states the notices of motion.

Now we will have the Member for Mount Lorne, please.

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

THAT this House urges the Government of Yukon to recognize the challenges it faces in recruiting one doctor for Dawson City and realize that the staffing needs of a greater number of medical professionals for a new regional hospital in Dawson require serious thought and planning, in terms of recruitment and retention.

I give notice of the following motion:

THAT this House urges the Government of Yukon to work with the municipal government and conservation society in Dawson in order to maximize the diversion of solid waste and recyclables by:

- (1) ensuring that proper infrastructure, including water and electricity, are in place at the Quigley landfill site;
- (2) ensuring that staffing levels at the landfill and recycling depots are adequate; and
- (3) ensuring transportation of waste, including tires, white metal and e-waste, is coordinated and community groups are not overburdened by red tape.

I give notice of the following motion:

THAT this House urges the Government of Yukon to work with the citizens of Dawson and the municipal government to address the critical housing shortage in Dawson.

**Speaker:** Any further notices of motion?  
Hearing none, is there a statement by a minister?  
This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Silverfox death, public inquiry

**Mr. Fairclough:** The Silverfox family has suffered far too long from the open wounds of Raymond's in-custody death. The community and the Little Salmon Carmacks First Nation have drawn together to support the Silverfox family.

We have asked this government to hold a public inquiry into Raymond's death and the government said no. We tabled a motion in this Assembly, calling for a public inquiry, but this government would not even let us debate the motion. They used their majority to adjourn debate before all members could speak to this motion.

Mr. Speaker, my community is hurting. The Silverfox family is hurting.

Will the Minister of Justice show some compassion for the Silverfox family and hold a public inquiry into the death of Raymond Silverfox?

**Hon. Ms. Horne:** The fact of the matter is that we have several processes already underway, such as the policing review the superintendent and I announced, the Crown prose-

ductor's review of the material noted by the superintendent, as well as the civil suit by the family and an application for a judicial review of the coroner's jury's findings. Let's let the processes unfold as they should.

**Mr. Fairclough:** That's not good enough, Mr. Speaker. It is not good enough for the Silverfox family and it is not good enough for Yukoners. What happened to Mr. Silverfox, Mr. Speaker, was unimaginable. The coroner's inquest left us with a lot of questions but no satisfactory answers. A general review will not help the Silverfox family and the Minister of Justice knows that. The death of Raymond Silverfox is a specific issue and a very serious issue. That is why the family has asked for a public inquiry. That is why we've asked for a public inquiry. That is why we called our motion for debate on the need for a public inquiry.

Mr. Speaker, the Minister of Justice has a duty to the Silverfox family and to all Yukoners. She has a duty to reveal the truth about this issue. Will the minister do her duty? Will she call for a public inquiry into the death of Raymond Silverfox?

**Hon. Ms. Horne:** Superintendent Clark has already expressed his shock and his disappointment at the insensitive and callous treatment of Mr. Silverfox while he was under the RCMP's custody.

He has acknowledged that the RCMP is examining the actions of its employees. In his media release of May 7, Superintendent Clark stated that the RCMP has requested that transcripts of the coroner's inquest be provided through the local Crown prosecutor, who in turn provided it to a Crown prosecutor outside the Yukon, in order that all the evidence given during the inquest can be considered when determining if the actions or inactions of the RCMP or its employees are of a criminal nature. The transcripts will also be provided to the investigator acting on behalf of the Commission for Public Complaints Against the RCMP — as you know, that body is an independent authority that exists to ensure the conduct of the RCMP is consistent with the *Criminal Code* — as well as provided to the independent investigator from Alberta who will consider the material and could make additional recommendations as a result of the review.

**Mr. Fairclough:** The Minister of Justice just told the House that a review is good enough. Well, it isn't, Mr. Speaker. It's not good enough for the Official Opposition. It's not good enough for the Third Party. It's not good enough for the Silverfox family. It's not good enough for the community of Carmacks or Yukoners in general. A review will produce few recommendations and a lot more questions and the Minister of Justice knows this.

The compassionate thing for the Minister of Justice to do right now is set aside her fears, whatever they may be. The responsible thing to do right now is serve the needs of justice. The right thing to do is to call a public inquiry into the death of Raymond Silverfox. Will the minister do the right thing and do her duty as the Minister of Justice? Will she call for a public inquiry into the death of Raymond Silverfox?

**Hon. Ms. Horne:** Contrary to what the member opposite is saying, I have no fear; I have compassion for the family

of Raymond Silverfox and what they must have gone through, and my heart goes out to them in sympathy.

As I said before, the fact of the matter is that there are already multiple processes underway. Let's let them and unfold as they should. Independent investigators will collect the available information, including interviews with individuals who are involved in order to determine what, if anything, according to the law would be appropriate.

The member opposite brought up a question about our jury — the coroner and the jury. I have profound disappointment in that, that we would question the integrity of our coroner and the jury who sat with her to go through the facts of this case. It was one of the longest inquiries in Yukon.

Again, the fact of the matter is that we have multiple processes underway, such as the policing review that the superintendent and I announced, the Crown prosecutor's review of the material noted by the superintendent, as well as a civil suit by the family and an application for a judicial review of the coroner's findings.

I would also like to point out —

**Speaker:** Thank you. Leader of the Official Opposition please.

#### **Question re: Silverfox death, public inquiry**

**Mr. Mitchell:** Let's follow up with the Justice minister on the same issue. On April 28, we called for a public inquiry into the death of Raymond Silverfox. The government adjourned debate on the motion. They wouldn't say yes and they didn't want to be on the record saying no. Instead, they voted to just not talk about it any more. This is what passes for leadership from the Yukon Party government.

Unfortunately for Yukon, the refusal to call a public inquiry to look into this matter has become national news in this country. It has even caught the attention of prominent Canadian civil rights lawyer Clayton Ruby. He is of the opinion the government should call a public inquiry into this matter.

Will the minister do the right thing and call an inquiry into the death of Raymond Silverfox?

**Hon. Mr. Fentie:** Once again, the Liberal leader has made a statement and I will just briefly reflect on that. The Liberal of the Liberal Party has now stated that government has refused to call a public inquiry. Mr. Speaker, that is entirely incorrect and the member knows full well that's incorrect. In fact, the process in this House actually was not about saying "no" to a public inquiry at all. It reserved that right and option for a later date, once the Crown prosecutor has done its work — because there may very well be criminal charges coming out of that work — and once the independent investigation of a number of individuals with the RCMP is concluded. And because this government is compassionate and aghast at what happened to Mr. Silverfox, we have launched a major policing review in this territory.

**Mr. Mitchell:** Mr. Speaker, the Premier says, "Maybe at a later date." There is an old saying: justice delayed is justice denied. Mr. Speaker, as my colleague from Mayo-Tatchun said earlier, the family of Mr. Silverfox is now calling for a public inquiry into this matter, not a policing review, not another study — a public inquiry.

Clayton Ruby, a very prominent civil rights lawyer in this country, also believes the circumstances in which Mr. Silverfox died warrant a public inquiry. In fact, he said it is the Justice minister's duty to call such an inquiry. We are quite disappointed with this minister's hands-off approach to this issue. When we brought forward the motion a few weeks ago to debate this question, the minister didn't want to vote against it, but the government also refused to vote in favour of it. It avoided taking a position.

Mr. Ruby also said it's the politicians who have to call a commission inquiry and here, as is so often the case without public pressure, it's not going to happen.

When is the minister going to start listening to Yukoners who are calling for a public inquiry?

**Hon. Mr. Fentie:** Mr. Speaker, this issue of duty by the minister is exactly why the government has reserved the right to call a public inquiry. The Leader of the Liberal Party has just suggested that there is no need for another study. Is the member actually suggesting that the investigation by a Crown prosecutor outside of this territory is a mere study?

Mr. Speaker, we have to raise the bar here. This is a very serious matter, and I don't think this House should be making a mockery of something like this. The Crown prosecutor is doing an investigation, not a study.

**Mr. Mitchell:** I won't even respond to the Premier's suggestions that this is a mockery, because this is a serious issue. None of the excuses provided by this Premier or the Justice minister preclude calling a public inquiry. We're asking for this government to do the right thing. This is an issue where Yukoners are looking for their government to lead and, instead, there's silence — deafening silence.

The family of Mr. Silverfox is asking that this matter be looked at in more detail in a public inquiry. Two hundred people marched last Friday night in a vigil; a very prominent Canadian civil rights lawyer has added his voice to those calling for an inquiry into this matter.

What is it going to take for the Justice minister to do the right thing? Will she call a public inquiry into this matter?

**Hon. Mr. Fentie:** There is a lot at issue with what happened to Mr. Silverfox, and I don't think there's any doubt — and it's evidenced by how Superintendent Clark, the commanding officer here of M Division, expressed his views. The superintendent openly admitted failure. They had failed Mr. Silverfox and they had failed themselves. Openly, and in a very transparent manner, he apologized.

There's more. There was a coroner's inquest and the evidence that came out of that inquest was shocking. And there's more: there are investigations going on, not the least of which is by the Crown prosecutor; and the minister and the RCMP have agreed to go along with the commissioner of the RCMP of this country to conduct a thorough, comprehensive policing review here in the Yukon as it relates to the conduct of the RCMP — the confidence and the trust of Yukon in the RCMP. Those are significant processes that are ongoing, and the possibility of a public inquiry is still valid and very much in the forefront.

### Question re: *Child and Family Services Act*

**Mr. Cardiff:** Mr. Speaker, the new *Child and Family Services Act* was proclaimed on April 30, 2010. That is two years after it passed in this House. Yet when we requested a copy of the regulations attached to this act we were told that no regulations have been written. The department is acting only under policy directives, not regulations. Can the Minister of Health and Social Services advise the House why it has taken so long to put this vital act into force and why no regulations are in place after over two years?

**Hon. Mr. Hart:** We just recently announced the proclamation of the *Child and Family Services Act* here on April 30.

We had a celebration here in the foyer of the Legislative Assembly building, and brought forth all those involved in looking after children throughout the Yukon. We had a very good discussion with regard to the new *Child and Family Services Act*, along with advising individuals that we will be going through the process of providing training facilities in the ensuing months to ensure that everyone is aware of what the new *Child and Family Services Act* will provide and how it will operate.

**Mr. Cardiff:** Mr. Speaker, this act has many new concepts for Yukon parents, professionals working with children and the general public. It calls for important legal arrangements that are new, such as contracts with families for services and family conferences about children in need of protective intervention. Social workers are working under this act without direction from this minister through regulations. They are waiting to be trained on issues associated with the act.

One of the more sweeping changes, and one that affects everyone, is section 22, which makes it mandatory to report children in need of protective intervention. The minister is still working out what that means to the public. There are not regulations specifying what that means.

When will we know what the consequences of not reporting a child in need of protective intervention are, and will there be public education about this mandatory requirement?

**Hon. Mr. Hart:** One of the key aspects of the new *Child and Family Services Act* is the fact that we are there to protect the child. The emphasis in this particular act is to do just that. That is also the reason behind the child advocate — to protect and deal with the child. It is also to ensure that the family is to be protected and stay within the family unit, extended or otherwise, and to ensure that that individual is protected by the family either direct or extended, i.e. grandparents or uncles as they relate to that child. The *Child and Family Services Act* — key aspect there is trying to keep the family unit together on its process and that is the focus we have here, to ensure the safety of the children.

**Mr. Cardiff:** Well, the minister didn't answer the question, so now he has two to answer next time. In the act, the director can establish committees for community involvement and delegate the director's powers to any person or group. This is very good in theory and it responds to the First Nations' desire to control child welfare. However, with written notice from the director, delegation can be withdrawn. Worse than that,

review of the director's decision on withdrawal is done by a procedure established by the director, and there is no appeal. The director has even more power than he or she had in the past. This is dictatorial and is management by a top-down process. The bottom line: it's not in the least supportive of community needs or desires.

Will the minister immediately review the processes, which are the consequences of this act, and assure the House that the new act is, indeed, better than what we had before?

**Hon. Mr. Hart:** It's obvious that this act is better than what was previously in place. The intent of the new *Child and Family Services Act* is out there and it is being placed. We've hired sufficient individuals for the implementation of the new act. A training process is underway to ensure these individuals are there. We are making contact with the First Nations to deal with their situation and to assist in proclaiming the act.

As I stated, we are working very closely with the child advocate in this situation to ensure, again, that we are looking after the rights and the protection of a child.

#### **Question re: Territorial health access fund**

**Mr. Cathers:** I'd like to follow up with the Minister of Health and Social Services regarding federal health funding. The territorial health access fund, or THAF, spending plan ended on March 31, when the original agreement expired.

At the end of March, the minister told me that details of the successor agreement, the renamed "territorial health system sustainability initiative" were still being worked out with the federal government.

Will the minister please me: has that agreement been finalized and signed yet?

**Hon. Mr. Hart:** For the member opposite, yes, I did indicate to him previously that we are working with our sister territories on the renegotiation of this agreement with Ottawa. That is currently still underway. We do not expect a completion of this agreement until some time near the end of June.

**Mr. Cathers:** I thank the minister for the answer to that question. When I last asked the minister about whether programs that had been funded under the territorial health access fund would be continuing, he indicated that ongoing programs, such as the diabetes collaborative, the chronic disease collaborative, palliative care program and mental health initiatives would not have any interruption in service. But because of the status of the work with the federal government, he was not able to tell me whether some of the other THAF-funded initiatives would continue this year.

The health and human resource strategy provided bursaries for Yukon students being educated as doctors, nurses and any other health professions. Can the minister tell me: will the medical education bursary, the nursing bursary and the health profession education bursary be available to Yukon students this year?

**Hon. Mr. Hart:** We are obviously going to continue with those programs. They provide a valuable asset here to Yukoners, not only to the students but to the possibility of bringing those students back to the Yukon, providing them with employment to assist us here in the Yukon in providing good medical professional services. In addition to that, Mr. Speaker,

we are exploring or investigating the option of looking at facilities and Outside universities to buy a seat for a Yukon student specifically to go through the doctor program.

**Mr. Cathers:** I thank the minister not only for that answer but for the fact it was exactly the news I was hoping to hear, and I appreciate the continued support for those programs. Other health human resource strategy programs that were funded under the territorial health access fund included the family physician incentive program for new graduates, which provided up to \$50,000 each to new family physicians who move to the Yukon to begin providing services. There is also another initiative that provided funding to assist existing family medical practices to expand, as long as that provided space for them to add at least one new physician to their clinic and they actually added that position to the clinic. Can the minister tell me: will those two programs be continuing this year?

**Hon. Mr. Hart:** As the member opposite is well aware, the THSSI program is a widely diversified program involving many projects and programs that were provided for among the federal government, ourselves and the other territories.

As I stated, we are working with our sister territories on just exactly what programs we can provide to each other and receive agreement from the federal government to provide services.

We definitely are looking at all those programs that will provide and enhance the retention of our physicians and we anticipate those programs to be carried on, once our agreements with Ottawa are finalized, sometime by the end of next month.

#### **Question re: Civil Forfeiture Act, demonstration**

**Mr. Mitchell:** Hundreds of people recently protested the government's civil forfeiture legislation. They didn't want to see their property confiscated without proof of criminal conduct. They gathered here at the Legislature to exercise their right to assemble and protest.

Some 200 people showed up, but the Premier told us yesterday afternoon there should have been one fewer. He singled out one protestor for having a criminal conviction. Why does the Premier think that someone who has paid his debt to society loses the right to protest?

**Hon. Mr. Fentie:** I'm not sure where the Leader of the Liberal Party comes up with this. I think he knows much better what's really at issue here is this: yes, all Yukoners — in fact, all Canadians — have the right to demonstrate and protest.

It's part of our democratic rights and freedoms. The issue here is what the Liberals said to those demonstrators and what they didn't say to those demonstrators, more importantly. They did not tell them what they had voted for in this House a mere few days before. In fact, they said things to those demonstrators that were quite inconsistent with the position the Liberals had taken right here in this Assembly in voting for the motion to stop passage of the bill. They did not tell the demonstrators that.

**Mr. Mitchell:** We'll get to what's inconsistent here, Mr. Speaker. Even if someone has paid their debt to society, the Premier doesn't think they belong here at the Legislature. More than that, other people should be sure not to be seen in

public with that person. Yesterday the Premier criticized my colleagues and me for the company we keep at public rallies. He said, and I quote, “We have the Liberal caucus out before the public and among individuals who have recently been released from the Whitehorse Correctional Centre.” Does the Premier actually believe that people who have paid their debt to society should be shunned by their MLAs?

**Hon. Mr. Fentie:** I think I also mentioned something about righteous indignation, Mr. Speaker. The fact of the matter is, the Liberal members who went out and attended with those demonstrators did not give those demonstrators the facts. That’s the issue here, Mr. Speaker, regardless of who was present.

Regardless of who was present, the real issue is what the Liberal members who attended the demonstration did not tell those Yukoners. They did not give them the facts. In fact, they were quite inconsistent with the position that they had taken right here in the House. That’s the issue here. The issue is that all MLAs who go before the public should at least be factual with the public.

**Mr. Mitchell:** It would be difficult for this Premier to know what was said to the demonstrators since neither he, nor any of his colleagues were out there. Let me be clear about what the Premier did say yesterday. On *Hansard*, page 6403, he said, “A very reputable source informed the government that one of the demonstrators had recently been released from the Whitehorse Correctional Centre.”

It’s good to know that this government keeps tabs on who shows up at rallies. It’s good to know that this government makes a habit of noting their past mistakes. Such a commitment to free speech should be applauded. A conviction shouldn’t take away this young man’s right to protest. Will the Premier apologize for telling him that?

**Hon. Mr. Fentie:** Obviously it didn’t take away anybody’s right to protest and the proof is in the pudding by those who stood before this Legislature. Again, the Liberal leader has a responsibility in this matter, and I refer him back to the contract that the Liberals have with the responsibility in this matter, and I refer him back to the contract that the Liberals have with the Yukon public, and that is to take responsibility for their actions, Mr. Speaker.

Will the Leader of the Liberal Party take responsibility for their actions by not informing those Yukon citizens of the facts of the matter — that in fact, right here in this Assembly, with a unanimous vote, the passage of Bill No. 82 had been stopped. Why didn’t the Leader of the Liberal Party ensure that his colleagues express that to those demonstrators? That is what taking responsibility for your actions is all about.

#### **Question re: *Civil Forfeiture Act, demonstration***

**Mr. Mitchell:** Well, Mr. Speaker, I can’t reply to previous questions, but I’ll start my new question by saying that in fact we met with organizers of the demonstration and informed them a motion had been passed to stop debate on Bill No. 82.

Mr. Speaker, I was appalled yesterday when the Premier singled out a protestor for having been convicted of a crime. The Premier thought that a young man who had paid his debt to society and moved on with his life didn’t deserve to be any-

where near the Legislature protesting. We wonder how the Premier felt when that same young man later sat in the gallery to see his group’s petition presented. It must have been unbearable, Mr. Speaker, to sit in this distinguished House so close to someone convicted on drug charges. Will the Premier apologize for singling this person out?

#### **Speaker’s statement**

**Speaker:** The honourable members are starting to personalize debate on both sides of this House, and it’s going to lead to discord. Just be aware of that, honourable members.

Premier, you have the floor.

**Hon. Mr. Fentie:** The leader of the Liberals has just made a statement on the floor of this House that is, once again, not factual. Nobody on this side of the House made any statement on charges or any other matter in regard to this. That’s why this is not what the real issue is.

The real issue is how the Liberal members presented themselves to the public. In this demonstration, those Liberal members who attended did not give those citizens the facts. In fact, we heard — we didn’t have to be present; you could have heard it a country mile away. At the top of their lungs, the Liberals said as long as they have a breath, Bill No. 82 will never see the light of day.

That’s not what they voted for in this Assembly. They did not tell those citizens the facts. That’s the issue.

Will the Leader of the Liberal Party take responsibility for their actions — yes or no?

**Mr. Mitchell:** Apparently one doesn’t hear too well when hiding behind walls, because what we heard the Member for Vuntut Gwitchin say is that, if Bill No. 82 is going to take away a Yukoner’s rights, then we’ll oppose it. That’s what was said.

Now, Mr. Speaker, the young man that the Premier singled out made a mistake and he has been up front and honest about it. He addressed it at the rally and he addressed it in the media. Yesterday the Premier identified him as “... one of the demonstrators holding a sign while the Liberal caucus was out there ...”

Perhaps it was one of the signs that referred to the legislation’s powers to seize property retroactively. That sign asked: “Why 10 years? Why not 35?” The Premier had a very strong reaction. Did he object to the protestor’s conviction or to his sign?

**Hon. Mr. Fentie:** Mr. Speaker, the government side does not object to anyone protesting. The government side objects to the fact that the Liberal members of this House did not provide citizens the actual facts about what was transpiring.

Let me refer to another matter when it comes to taking responsibility. This very Liberal leader also stated in the contract with Yukoners: “Yukoners have watched MLAs over the last few years refuse to take responsibility for the things that have happened while they are in office, like paying back outstanding government loans”, said the leader of the Liberal Party.

“They have also watched the Premier sit back and refuse to do anything about it. That’s not ethical leadership.”

Well, the member knew full well at the time the member made the statement that this government, the first government to ever take action on the delinquent loans, was actually in collections collecting money. Mr. Speaker, will the member repair this contract with the Yukon public, take responsibility for his actions and the actions of his own caucus. They're all in it together. Will the member now correct the record?

**Mr. Mitchell:** Mr. Speaker, if the Premier enjoys asking questions so much in Question Period, I invite him to call an election and have an opportunity to sit on this side and ask all kinds of questions.

Mr. Speaker, we would have expected this Premier to be more open-minded than what he stated yesterday. To use phrasing that should be familiar to the Premier, this young man has "taken responsibility for his actions, paid for his mistakes, paid his debt to society and moved on." More than just paying his debt and moving on, this young man is now actively participating in our democracy and attending this Legislature. Such rehabilitation is heartwarming, Mr. Speaker. We just hope all such young men eventually enter this House on similar terms.

Does the Premier really believe that a drug conviction should keep someone out of this House?

**Hon. Mr. Fentie:** No, Mr. Speaker, we applaud all citizens who carry out their democratic rights and freedoms, and most certainly, in this case. What we take issue with is the members opposite not being factual with the Yukon public. There's another issue of this contract with the Yukon public. It's called integrity and honesty. MLAs must conduct all relations with other MLAs, public servants and members of the public with integrity and honesty. This is in question, Mr. Speaker. The evidence of what transpired at the demonstration, the inferences that Finance officials would actually put incorrect numbers in a budget, the Googling of a public servant, who exercised his right to freedom of speech — these are other examples of breaking the contract with the Yukon public that the members, the Liberal Party, the members of this House, entered into.

Will the Leader of the Liberal Party — because they're all in it together — take responsibility for his and their actions and correct the record?

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

## ORDERS OF THE DAY

**Hon. Ms. Taylor:** Pursuant to Standing Order 14.3, I request the unanimous consent of the House to proceed at this time with government Motion No. 1104 regarding appointments to the Human Rights panel of adjudicators, notice of which was given by the Minister of Justice earlier today.

### Unanimous consent re proceeding with Motion No. 1104

**Speaker:** The Government House Leader has, pursuant to Standing Order 14.3, requested the unanimous consent of the House to proceed at this time with the government Motion No. 1104 regarding appointments to the Human Rights panel of adjudicators, notice of which was given by the Minister of Justice earlier today.

Is there unanimous consent?

**All Hon. Members:** Agreed.

**Speaker:** There is unanimous consent.

## GOVERNMENT MOTIONS

### Motion No. 1104

**Clerk:** Motion No. 1104, standing in the name of the Hon. Ms. Horne.

**Speaker:** It is moved by the Minister of Justice

THAT the Yukon Legislative Assembly, pursuant to section 22(2) of the *Human Rights Act*, does appoint Vicki Hancock and John W. Phelps as members of the panel of adjudicators for terms of three years effective immediately.

**Hon. Ms. Horne:** Before us are two names for consideration for appointment to the Yukon Human Rights panel of adjudicators. The chair of the panel has requested more members to deal with matters where existing panel member are found to be in conflict on certain matters to be heard. Mr. Speaker, in those situations, I am sure members in this House will understand that those panel members are not able to hear such matters. As a result, just yesterday, I received the names and background information of two Yukoners interested in serving on the panel of adjudicators. Within hours of receiving these names, I forwarded them by letter to the opposition leader and the Leader of the Third Party.

Mr. Speaker, I do appreciate that members in this House may have had less time than they might like to deal with the matter. That said, I also greatly appreciate the spirit of cooperation from the members opposite in advancing this motion to help the panel remedy this problem.

I would also like to extend our gratitude to the two most recent Yukoners who have agreed to serve on the panel of adjudicators. Ms. Vicki Hancock has had a long and distinguished career with the Yukon government prior to her retirement. This includes holding numerous senior and middle management positions such as serving as the Deputy Minister of Tourism and Culture, the president of the Yukon Housing Corporation and the president of Yukon Liquor Corporation. As well as serving as the acting Deputy Minister of Justice, she has also held other positions in the Department of Justice.

Mr. John Phelps is a fourth generation Yukoner. I'm sure many of us in this Assembly are familiar with his work as a lawyer in private practice, or his career in the Crown prosecutor's office. Earlier this week, I had the opportunity to listen to Mr. Phelps speak at the special sitting of the Yukon Court of Appeal. I was impressed by and appreciated his thoughtful comments about Yukon finding progressive solutions to social problems.

I would again like to thank these two Yukoners for putting their names forward. I would also like to thank my colleagues in this Assembly for their unanimous consent to bring the motion forward.

**Mr. Inverarity:** I would like to thank the minister for bringing forward this motion today. It's again almost the 11<sup>th</sup> hour of the sitting of the Legislative Assembly. It seems that

every time we come toward the last week of the sitting, we're confronted with board appointments for the panel of adjudicators and the Human Rights Commission. This is twice now that this has happened.

When I received the letter yesterday morning — late morning actually, just before the sitting — I was a little bit concerned that it was being delivered this late in the particular sitting. In talking to the minister, it became evident that there were some circumstances she has alluded to today, but it seems to be an ongoing issue that every time we get toward the end of the sitting, we're always confronted with having to look at new appointments for committees. I think there should be some better planning.

What troubled me to a certain degree was that, as you know, Mr. Chair, yesterday I tabled two motions specifically regarding both the Human Rights Commission and the panel of adjudicators that go to the heart of these appointments today.

For the record, I would just like to identify those and address those specific issues in relation to the request today to approve these two appointments.

I will just read my first motion:

THAT this House urges the Government of Yukon to implement additional recommendations of the Report of the Select Committee on Human Rights and also to include the following:

(1) that conflicts of interest are identified prior to new appointments being made to the commission or to the panel of adjudicators; and

(2) that the appointments to both the commission and the panel of adjudicators are merit-based; and

(3) that both the commission and the panel of adjudicators reflect the diversity of Yukoners by ensuring fair representation, including First Nations.

I would like to address the first point in this motion, which is the conflict of interest. I addressed this issue yesterday to the minister's aide and asked whether or not this specific issue has been addressed. The members of the House may recall, from the last appointments that we had, that a conflict of interest did come up; hence, that individual has resigned from the panel, and that's part of the reason we're here today — to fill one of those appointments.

The individual staffer could not answer the question for me — whether or not these individuals have any conflicts of interest. I note that one of the individuals works within the department now. I'm not sure if they're still there or not. Perhaps in the reply at the end, the minister can address the issue of conflicts of interest and whether they have been vetted for that at all.

The second one is that the appointments be merit-based. I think, in looking through the resumé's that were delivered to us yesterday, the individuals appear to be well qualified. One is a lawyer and the other one has a lot of government experience. Personally, I can't find a fault with regard to the issue of merit, so I think that's a positive indicator within the debate this afternoon.

The third one, which was one about reflecting the diversity of Yukoners on the panel, specifically First Nations — and

again I put this question to the staffer yesterday and it could not be answered as to whether or not there were any First Nations members currently on the panel. My understanding is that there are none on the panel of adjudicators at the moment.

What came up in discussion yesterday elsewhere, where I was doing some research on this was that — and this is a bit of anecdotal information, Mr. Chair — it turns out — and I didn't know this — that on a per capita basis, Yukon has more First Nations than any other jurisdiction in Canada. So it would seem reasonable that we could draw upon some of that expertise to sit on this panel and that would help make it more merit-based and certainly reflect those Yukoners.

The final amendment that I put on the floor yesterday, and I'll read it: "THAT this House urges the Government of Yukon to amend section 22(3) of the *Human Rights Act* by replacing subsection (3) with the following: "A member of the panel may only be removed from the panel by resolution of the Legislature or if that member formally resigns.""

Really, it reads the same as it is now, except I've added the statement "or if that member formally resigns." There seems to be some conflict over the interpretation of 22(3) within the *Human Rights Act*. The way the act reads right now, certainly one can interpret that in order for the person who previously resigned to actually leave the panel of adjudicators is if in fact there is a motion in the House to address that issue.

While I think that my motion basically clarifies that for the purposes, a reason brought to my attention was that there may be an issue of liability around the individual who thinks that they have resigned from the panel but, in fact, may still be on the panel because the act specifically states that they can only be removed by an act of legislation.

So it's a bit of a clarification that needs to be done there. I think I would like to just reiterate that my concern regarding this particular act is that it's rushed. I think that we do need time to perhaps see if some of these questions can be answered and, if they can, that would be great to hear. I guess the issue here is that we have a situation where the panel of adjudicators needs some more members on there to address hearings that they have. I understand that a large number, if not all of them, have some sort of conflict of interest with a number of outstanding cases. In the interest of trying to resolve some of those, I think it's important that we move forward with these appointments.

I would ask the minister to, in the future, perhaps give us a little more time, perhaps be better informed within the Human Rights Commission and certainly the panel of adjudicators, so these situations don't crop up, it seems, at every sitting.

I know the member from the Third Party has some additional comments, so I'll let him continue.

**Mr. Cardiff:** I, too, was rather shocked to receive the letter from the minister yesterday. It was passed on to me by the leader of the New Democrat caucus. Nowhere in the letter, I might add, or communicated to me, was that this was a request from the chair of the Human Rights Panel of Adjudicators.



The minister said that, in order to provide more flexibility and address potential conflict-of-interest concerns, as well as issues of members' availability to sit on boards of adjudication, she was proposing the appointments of the following two nominees. She asked that we give careful consideration to the recommendations and provide us with her comments as soon as possible.

In response to that — and I have a few copies of the letter that was sent to the minister and I'll make those available now. I didn't make enough copies for everyone. The leader of the New Democratic caucus and I sent a letter to the minister this morning giving our position and stating the reasons why we cannot support these appointments to the Yukon Human Rights Panel of Adjudication.

Number one, the minister did not communicate the urgency in making these appointments. The panel in the past has managed to operate effectively with six members and there are currently seven members and that's not including the member who had resigned.

We are very concerned that there was no public advertising, and given the short notice, I can understand that, but I think that it's important that the public is made aware that their ability to serve on these important panels is going to be required, and that if persons would like to put their names forward, they have an opportunity to put their names forward.

We wanted some assurances that a conflict-of-interest check process was used to ensure that mistakes of the past were not repeated. As the Member for Porter Creek South indicated, the rushed process that we've gone through in the past — this is the second time in recent memory where, in the last week of the sitting, we have been presented with making these decisions. We indicated in our letter that, as a caucus, we don't have any particular issues with the candidates whose names have been brought forward. On a merit-based approach, they're qualified.

Yukon's *Human Rights Act* states in section 7 that, "It is discrimination to treat any individual or group unfavourably on any of the following grounds:" and the first one is "(a) ancestry." In section 9, which is the section that talks about prohibited discrimination, "No person shall discriminate... (b) in connection with any aspect of employment or application for employment; (c) in connection with any aspect of membership in or representation by any trade union, trade association..." It could say "membership in any organizations". We indicated our interest and our concerns. We would like to see First Nations representation on the panel. It is our understanding that the Yukon has more lawyers per capita than any other jurisdiction in Canada. Given the fact that First Nations comprise more than 25 percent of the population in the Yukon, we think that it would be appropriate if the minister would give consideration to that fact and that we could be provided with the names of qualified, merit-based, First Nation persons who would have a willingness to sit on this panel — it's an important panel. It hears cases related to human rights issues, and we feel it would be appropriate that there be First Nation representation on this very important panel of adjudicators.

The minister should know full well that First Nation persons with the qualifications and the merit have offered their services to the commission and the panel in the past. It has been some time since that representation has been there.

The other concern, which I've already touched on, is that bringing these appointments forward so late during a sitting does not give us much confidence that the issues we're raising with the minister can be addressed to our satisfaction before the House rises tomorrow, on Thursday.

We indicated to the minister that if she would like to meet with us to discuss our concerns in greater detail in the spirit of cooperation and collaboration, we would be eager to do so when her schedule allowed. We did not receive a phone call back from the minister's office offering to meet with us to discuss those concerns.

On that basis, Mr. Speaker, regrettably the NDP caucus cannot support these appointments. I think that the government needs to look at the way that these nominations come forward. Given the fact that there have been advertisements in the past — in the recent past, in the past few years even — and people have put their names forward, there most likely would have been a list of those people and they could have been approached. That may be where these names came from. I don't know whether the minister just picked up the phone book and decided to start calling people about this, or what the process was.

We weren't informed of where the names came from but, in the past, there have been processes where people have put their names forward and there should be that list of people the minister could contact to see if they were still interested in serving either on the commission or the important panel of adjudication.

If the minister could answer those questions, it would be much appreciated. I'm sure if she looked at that list, there would be other persons, possibly of First Nation ancestry, who would have put their names forward and she could have also brought those forward today.

I thank the members here for the opportunity to address this motion. Unfortunately, I can't find the urgency and the need to support it.

**Speaker:** If the Minister of Justice speaks, she will close debate. Does any other member wish to be heard?

**Hon. Ms. Horne:** As members of this House are aware, it is the responsibility of this Legislative Assembly to appoint a person to the Human Rights panel of adjudicators. Earlier this session, we amended the act to allow for more panel members. We allowed at that time for seven members. Yesterday, the chair of the panel indicated the requirement for more members to deal with matters where existing panel members are conflicted out of being able to hear matters.

It's a reality that, given our small population, finding Yukoners who do not have a potential conflict of interest with any other Yukoner is going to be very, very difficult because each case is on an individual basis. They do not know who is going to come before them. You know, that's commonsense. The best

we can do is give the chief adjudicator more options so she can empanel members at her discretion.

The chief adjudicator indicated to us that she needed more panel members yesterday. We responded to that request. I had letters down to both offices within the hour that I received those names, I believe. The members opposite indicate that the panel of adjudicators has been able to operate with only six members. The situation we found ourselves in just prior to session was because six panel members were not enough.

As to the timing, as I say, within an hour, I had those names down into the offices. I had really hoped that the members of this House would be able to work together in the spirit of cooperation and accommodate the chair of the panel of adjudicators. It appears that we will not be able to do that. They will not be able to hear cases that they have before them.

Thank you.

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

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

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

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

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

**Hon. Mr. 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:** Disagree.

**Mr. Cathers:** Agree.

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

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

*Motion No. 1104 agreed to*

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

**Chair (Mr. Nordick):** Committee of the Whole will now come to order. The matter before the Committee is Bill No. 85, *Act to Amend the Motor Vehicles Act, 2010*. 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. 85 — Act to Amend the Motor Vehicles Act, 2010**

**Chair:** The matter before the Committee is Bill No. 85, *Act to Amend the Motor Vehicles Act, 2010*. We will now proceed with general debate on that bill.

**Hon. Mr. Lang:** I am pleased to be moving Bill No. 85 into debate and look forward to the full support of this House in passing this legislation. Before doing so, however, I would like to take this opportunity to address a couple of items raised by my honourable colleagues across the floor during the second reading of the bill.

The Member for Porter Creek South asked whether Yukoners would be able to get a new driver's licence sooner than the expiry date on their existing licence. Of course, our first priority will be to issue the new licences to those who are receiving their driver's licence for the first time or whose licences are about to expire. But I am pleased to answer "yes" to that question. Should someone want to get a replacement licence before their existing licence expires, they will be able to do that, just as they can now.

The member also indicated a question about the cost to Yukoners to get a new, secure licence. I am pleased to advise that at this time, we are not anticipating increasing the fee for a driver's licence, which is currently \$50 for a licence valid for five years.

We are also not anticipating that the cost for a general identification card will be any greater than the cost of a driver's licence. In fact, it may be something less. All cost details associated with the new licence and general identification cards will be established as part of the regulations currently being developed by the department.

The Member for Mount Lorne asked about the security features of the new licence and cards, the nature of the personal information associated with the new licences and, of course, the cards and about the protection of Yukoners' personal information associated with the electronic licensing system. This government takes the protection of Yukoners' personal information and privacy very seriously, and I am happy to speak to this today in relation to the new driver's licence and the general identification cards. With regard to security features, the new licence and cards will feature three layers of security protection.

Level 1 — the cards will feature a thin, customized, holographic laminate that will easily show if it has been tampered with. This is called an overt security feature.

Level 2 — the cards will also have security features, such as fluorescent microtext printing that will show up under a magnifying glass, ultraviolet light or machine-readable equipment.

Level 3 — finally, the cards will also have a forensic security feature requiring more detailed, in-depth evaluation to verify card authenticity.

This will be a buried or what someone might call a “secret” security feature with variable inks incorporating microtext and colour-shifting with another custom holograph.

These various levels of security are not only complementary and layered, but will mesh together to strengthen the individual features. The electronic system that will store and transmit Yukon’s personal information has also been designed with enhanced security encryption and technology to mitigate the potential for any breach of the system by unauthorized persons or systems.

It will involve a security application log-in procedure and secure connectivity between remote locations and Whitehorse using the Yukon government network. This system will enable users’ activity logs on enrolment and database activities. It will also provide driver’s licence/identification card production reports and accurate inventory-control methods for both the cardstock and the holographic laminates. These and other features of the new system will significantly enhance our current ability to restrict and monitor access to information and resources stored, transmitted and used in relation to the licences and cards.

I’ll speak now to the personal information that must be submitted to obtain a secure licence and new general identification card. This information is generally the same as that which is currently required for the existing drivers’ licences — for example, name, date of birth, address. The one substantial difference is the new licence and ID card system will require the taking and storage of a digital photograph of the person applying for the licence or card. This is new for Yukon but is standard outside. The photo will be stored on the licensing and identification system.

I believe the member opposite is also wondering whether or not an individual’s personal information could be somehow scanned off the new licence or ID card. I can confirm this is not the case.

Finally, I want to assure Yukoners that their personal information captured by the existing and future driver’s licence and general identification card system is and will continue to be shared only with those who have legal authority to request or access it for lawful purposes.

In short, we are extremely diligent in upholding the provisions of the *Access to Information and Protection of Privacy Act* and this will not change as a function of introducing the new licences and cards in Yukon.

This is a very good and positive initiative for all Yukon citizens. It will provide two forms of secure identification options for our youth who are travelling out of the territory for

school or sporting events, for those who do not possess a driver’s licence, or it can be used as proof of age under the *Liquor Act*. In conclusion, I hope this information addresses the members’ questions and concerns and we can now look forward to moving this bill through Committee so we can get the legal framework in place to begin issuing our new secure driver’s licence and Yukon’s first government-issued general identification card.

**Mr. Inverarity:** I look forward to the passage of this particular bill — Bill No. 85, the *Act to Amend the Motor Vehicles Act, 2010*. I would like to thank the official who is here today to provide some additional technical support. Departmental officials are always welcome here, on this side of the House certainly, and I know that the information that will be provided will certainly not only be welcomed, but informative.

Getting on to the questions, I think I’d like to probably move through Committee of the Whole with this bill as quickly as I can. I do have a number of questions. One of them actually came out of the introductory remarks from the minister.

It revolves around the expiry costs. Just to cite an example, earlier today someone said their driver’s licence was going to expire in July of this year. One, I’d like to know when the minister expects the new drivers’ licences to actually be rolled out. Will those individuals who perhaps had a driver’s licence issued this year, or recently, be able to get a new one? And is there an additional cost for them to get a new one to replace one that was issued fairly recently and what that cost, if any, would be? Personally, I don’t think there should be one.

Also, what are the rollout plans around this whole issue — when they’re coming, how individuals will be able to gain access to a new updated one, and when the minister expects to have all the drivers’ licences changed over?

**Hon. Mr. Lang:** We are considering just what the member opposite has brought to the floor — that there would be transition issues like this, as part of our implementation planning. We do not believe it would be fair to require people to have to pay the full price again to get one of the new licences, if they were required to renew their licence because its expiry date fell just before the new secure licences became available.

So we are considering setting a licence replacement fee to apply in this situation. Of course, the details of this will be established in the regulations.

**Mr. Inverarity:** Just along the same lines then, I know my driver’s licence expires over a year and half from now and, if I am not mistaken, new drivers’ licences are issued for about five years. I am wondering, if I go in and get a new driver’s licence because I have experienced a lot of difficulties with mine, will I be able to get one, or will any person be able to get one ahead of time? Is there going to be a renewal fee that would extend my licence, say, for six years or seven years, if necessary, to accommodate that early renewal?

**Hon. Mr. Lang:** If an individual were to go in and update their driver’s licence, I am told that it would expire on the same date as their previous one. In other words, you could do exactly what the member opposite has brought up, but the expiry date would be the same as the old licence.

**Mr. Inverarity:** Would the fee be pro-rated for the interim period then?

**Hon. Mr. Lang:** That's exactly what I responded to in the first question. There would be less of a fee because of the timelines. That's exactly what I brought up on the floor here in answer to the first question.

**Mr. Inverarity:** The concern that has been expressed to me is one that we're not going to — for lack of a better word — “double tax” those individuals who need to have a new driver's licence. Obviously there are some real concerns around this time frame, because, as I understand it, if I got my new driver's licence, let's say in January of this year, it is good for five years. If I want to wait, I would have to wait a full five years to get the new driver's licence. That presents a bit of a problem if I'm going abroad or out of the territory somewhere, where I'm presenting my old driver's licence — we all know the difficulties around it — and yet everyone Outside is now familiar with the new licence and they then, out of hand, reject the old one. I think that this issue needs to be addressed.

While it's a concern to the general public, I think it's more of a concern for those individuals who are commercial drivers, for example. I think it would be a concern for anybody who travels a lot, either for business purposes or even just if they travel — tourists who are snowbirds who go south every year and rely upon their drivers' licences to rent vehicles and things along that line.

Has the minister considered this problem of having two sets of drivers' licences out there for a total of five years?

**Hon. Mr. Lang:** Any transition like this has its difficulties but, as we say in the government here, there will be a form of reduced fee for people who come in and are proactive. I imagine there will be an influx of people who want to have the new driver's licence or card itself. We're prepared for that; we're looking at a transition period.

The only thing that will stay the same is the date of expiry on your old licence. It will be maintained through the system, but there will be a reduced fee for purchasing and modernizing your driver's licence.

**Mr. Inverarity:** The minister mentioned the information that's stored on the card and that the new addition would be a digital photograph that would not only be included on the actual identification, but that it would be stored in the internal computer system. I believe the member said that would be accessible to anybody authorized to access that. Will that information be shared with other enforcement agencies for a purpose other than motor vehicles?

**Hon. Mr. Lang:** Certainly it would only be shared under the law — under lawful access, and that's where it would be. I imagine it would be shared with our police force, the RCMP, when it pertains to access to information on a driver's licence, but it will have limited access. Certainly, the general public won't have access to it, but the law enforcement officers who work within the system would have access to it.

**Mr. Inverarity:** My concern here, as the minister had indicated earlier, is access to information and protection of privacy. My concern here is that if the RCMP or law enforcement individual — I could think of the Department of Envi-

ronment officials, Fish and Game branch — are looking for a particular individual, will they be able to go to Motor Vehicles, pull off that photograph or that information from the Motor Vehicles branch and use it as a “wanted poster”, for example? I am not sure. My concerns here are around privacy and what other purposes this information will be used for. Perhaps the minister could also just include — and I understand name, address, phone number, birthdate, those kinds of things — what other unique pieces of information are either stored on the card and/or stored in the computer system also?

**Hon. Mr. Lang:** Regarding access to a person's driver's licence, we have worked with the *Access to Information and Protection of Privacy Act*, so that has been addressed in the workshops we had. Information on the card is strictly name, address, height, photograph and signature. Those are the things that are covered — no different from our driver's licence today.

**Mr. Inverarity:** That's great to hear. I'm glad to hear that. Is this information stored on a bar code or some other process chip? Here's my concern: I know in British Columbia, the clubs and bars and those kinds of places actually can take information off the driver's licence and put it into their own database and thereby bar individuals. Do you envision this being used in that type of format within the Yukon?

**Hon. Mr. Lang:** I don't believe that kind of access would be available on our system. I'm not sure what the member opposite is talking about, but it's not treated like a credit card where you swipe it and all that information is available to whomever. I think this is as private as it can be. As I just said, the information on the actual driver's licence strictly hasn't changed from our old driver's licence. The picture on the licence will be much more sophisticated because of the modern technology we're using on the driver's licence.

I would like to remind the member opposite that this driver's licence is not a secure driver's licence, but eventually, if in fact we were to move to a secure driver's licence, this could be added to, to make a secure driver's licence out of it. This licence is only used internally in Canada as proof of having a driver's licence and identification. As far as using it at a border, it would not suffice. Passports are mandatory. Down the road, if we were to decide as a community and as a territory that we would like to add to our driver's licence, it's strictly one or two more steps that could add that secure part to it.

A secure driver's licence is a complicated process because we wouldn't have the capabilities of producing those drivers' licences in the territory. There is a very thorough overview of those licences and those licences would be done in a secure area somewhere other than the territory. This driver's licence is a modern form of identification for a driver's licence, but it doesn't restrict us down the road to move forward with that enhanced driver's licence.

**Mr. Inverarity:** Okay, moving right along, I'm wondering if there are any built-in features to address issues of health on the cards — specifically, donation of organs. I'm not sure, in terms of a signature on there, but is there an endorsement — you know, 12 or whatever — that says, “I have author-

ized” or “I have previously said that my organs can be donated.”

Before we get into that, there is also a second health related issue that I wanted to bring up. That was if I’m involved, or if a person is involved in an accident, is it possible to also incorporate health-related issues?

I don’t have one, but I am thinking of the bracelet that says, “I’m diabetic”, or “I have a blood disorder”, so that if I am in a vehicle accident, one can look at the driver’s licence and see that this individual does have some sort of health disorder. If not, would the minister look at incorporating that, if possible?

**Hon. Mr. Lang:** In addressing the member’s question about donors, it will be indicated on the card, so there is an option for that. As far as other specific medical issues of individuals, we don’t contemplate having that accessible on the driver’s licence.

**Mr. Inverarity:** Perhaps the minister could explain to us how he perceives the rollout of the drivers’ licences in the communities?

**Hon. Mr. Lang:** The licences themselves are issued from Whitehorse. Our territorial agents will play a part in our communities. They will have the ability to take the actual picture and do the paperwork and then the actual driver’s licence will be manufactured in Whitehorse and sent out, either to the agent or the individuals themselves.

**Mr. Inverarity:** Recently there has been a letter to the editor, I know, but we’ve received emails from a constituent in Old Crow. This individual, as you know — I’m sure you’re aware of the situation — moved in from the N.W.T. He is looking for a driver’s licence. He’s not planning on coming to the Yukon at all. I wouldn’t necessarily call it “unique”; I would think everybody in Old Crow has this problem. I’m not sure, but is there no territorial agent in Old Crow who will be dealing with drivers’ licences? Has this particular individual, certainly for the short term, been satisfied and will the new driver’s licence be made available to the individuals of Old Crow, just like they’re being made available to any other community in the Yukon?

**Hon. Mr. Lang:** There’s an agreement between the Department of Community Services and the First Nation in Old Crow to issue motor vehicle registration and non-photo temporary drivers’ licences in the community of Old Crow. We do have a working relationship with the First Nation. They can issue, in conjunction with the department, a temporary driver’s licence in Old Crow.

They don’t have access to the photo, so the photo component to the driver’s licence would not be available.

**Mr. Inverarity:** Obviously the issue here is that if the individual is not ever planning to come to the Yukon, but is travelling out of Whitehorse on another form of transportation — Yellowknife, Inuvik — that he might forever be confronted with having a temporary driver’s licence. We know that we have issues around the current driver’s licence and it looks supposedly like a driver’s licence — a piece of paper with no photo ID is ultimately unacceptable. I think that I would encourage the minister to look at Old Crow being able to com-

plete the photo component of it or provide some sort of telephone or some method through which an individual in Old Crow would be entitled to get a driver’s licence. Outside like any other community in the Yukon. I don’t think that they should necessarily be hamstrung by the simple fact that they aren’t ever planning to come, in the short term, to Whitehorse or to Dawson or to some other community that has it. To go three or four or five years on a temporary driver’s licence just seems ludicrous.

Would the minister look at trying to solve this photo ID problem with the installation of the new drivers’ licences?

**Hon. Mr. Lang:** We certainly can take his concerns under advisement. We’re working our way into this new system, and it’s something that we could address down the road. But at the moment, we are working with our territorial agents in the communities that have access to the equipment and also trying to fill the void in communities like Old Crow that don’t have a territorial agent onsite.

Certainly in addressing the out-of-territory driver’s licence, in Yukon we recognize an out-of-Yukon driver’s licence for 120 days. New residents can also be issued a temporary Yukon licence for 90 days. This provides time for new Yukoners to apply for a five-year licence in Whitehorse or at one of our territorial agents or rep offices. We do cover most of the bases here, but we’ll certainly take the concerns of the member opposite under advisement.

**Mr. Inverarity:** I appreciate the answer from the minister. Rest assured my tenacity in regard to the driver’s licence will certainly be followed up at future sittings to see whether his accommodation has been included.

I have just a couple of final questions. I was wondering if the minister could tell us what the total cost of the new licence is going to be, if some capital costs are going to be needed around the rollout of the new drivers’ licences, and does he have a specific date — or maybe not a specific, but pretty close, within early part of September — that he could let us know when we can see the new ones. We have one more day of the sitting, and it would be interesting to see if we could get a sample of that driver’s licence prior to the end of the sitting, just to see what they look like — maybe an opportunity for us to get the new ones too.

**Hon. Mr. Lang:** Here’s some statistics for the House this afternoon. Last year in Motor Vehicles — it’s quite something when you see the numbers for our small community. We registered over 34,000 motor vehicles, issued over 25,000 active operator licences in our communities. So it is a very busy department.

As the member opposite was discussing — the cost of this — the capital cost is roughly \$500,000. Over and above what our costs are now for our drivers’ licences, it’ll be another \$60,000 a year to add to this cost to upgrade our drivers’ licences.

We’ve been working on this as a government for the last seven years. It’s certainly nice to see it come to a finale here. We have had it proven that the drivers’ licences we have today are, at best, very archaic.

I look forward to this fall. The member opposite was talking about looking at a copy of a driver's licence. That's not available at the moment, so I can't agree to that. As an advocate of this driver's licence for many years, I look forward to having a new driver's licence out there this fall for Yukoners.

Certainly the identification card is going to be another tool for individuals who need identification, such as students, and also identification for people to go into our licensed premises to make sure that our public houses have access to proper information when they identify people. Certainly, a lot of our students who go offshore — in other words, go out of the territory for academics — this kind of identification would be very handy. Of course, it's modern, so it's going to serve the purpose of Yukoners for years down the road. But it has been a very long road to get where we are today. I look forward to the passage of this so that we can go to work, invest the \$500,000, and move toward a brand new form of identification, not only for driving, but for identification of all Yukoners.

**Mr. Inverarity:** I'm pretty much finished here. I just have a comment that I'm glad the minister has indicated that they have been working on it for seven years — too bad the Premier, waving his little green one that he had, referring to it as they were 20 years ago. I certainly remember having my initial driver's licence here in the 1970s. In fact, I think I still have my driver's licence number from then. I think it's still only five digits or six digits. I'm hoping that I will be able to keep my driver's licence number because I've had it for so long.

I would like to thank the officials again for their assistance here this afternoon and I look forward to supporting this bill. I will now turn it over to the Member of the Third Party.

**Hon. Mr. Lang:** I would like to thank the member opposite for his support. I got my first driver's licence here in the Yukon in 1964. Certainly, looking back at that driver's licence and looking at what we're looking at today, this is a massive improvement.

Another piece of good news, Mr. Chair, is that, yes, everyone will keep their driver's licence number. So we will be keeping the number that we have on our driver's licence today. So that, again, is good news.

Mr. Chair, I thank the member opposite for his support on this bill, and I look forward to the vote this afternoon so we can go to work and do just that — issue new drivers' licences to Yukoners.

**Mr. Cardiff:** I believe this is going to be fairly brief. I would like to thank the officials for being here in the Legislature this afternoon to provide technical advice and assistance to the minister and help provide answers. I'd like to thank the Member for Porter Creek South for being so thorough in the questioning and asking all those questions, and the minister for providing those answers. I only have a few questions.

The minister talked about fees and things that are going to be set out in regulations. Can the minister tell us what the timelines are for developing those regulations and what the target date is for the issuance of the first driver's licence or general identification card?

**Hon. Mr. Lang:** We're working on the regulations now and the enhanced driver's licence and identification cards should be available to the general public by September 1. That's optimistically looking at this fall, and I see no reason, in talking to the department, why that isn't a realistic date to have these licences available to the general public.

**Mr. Cardiff:** I am glad they are working on the regulations now. Can the minister tell us whether or not the regulations will be completed before September 1 then? We've already seen what happens when regulations aren't done in time.

**Hon. Mr. Lang:** Certainly, we're looking forward to those regulations being in place ahead of the September 1 date.

**Mr. Cardiff:** That would be logical but I just wanted to check.

I would like to thank the minister for answering some of the questions that I raised during the second reading debate. He talked about personal information being transmitted electronically between remote locations and Whitehorse. What I would like to know is whether or not any of this information is going to be transmitted to locations outside of the Yukon Territory.

**Hon. Mr. Lang:** The answer to that, I'm told, is no.

**Mr. Cardiff:** One last question: the Member for Porter Creek South raised the issue of sharing of information with other law enforcement agencies. I suspect what will happen is it will follow access-to-information legislation here in the territory and federally. What I'm wondering is, if the information is shared with law enforcement agencies in Canada, what assurances are there that, once it's in the hands of the RCMP or another police agency in a province or a city somewhere in Canada, that information won't be shared with law enforcement agencies or officials in other countries?

**Hon. Mr. Lang:** The access to this information will not change. The process that is in place now will continue on access. We do work with access to information, not only here but in other areas. The access to this information is not going to change.

**Mr. Cardiff:** So the minister is confident that Yukoners' information that's contained on these drivers' licences will be secure and protected.

**Hon. Mr. Lang:** That is very important to us that any information that we put on our driver's licence is clearly used for the intentions that it was designed to be used for so, in addressing that question, yes.

**Mr. Cardiff:** I would like to thank the minister and the officials for their assistance today. One last question, and I believe this has already been answered, but I just want to make sure. Other than the information that is printed on the driver's licence, there is no electronic storage device on the driver's licence itself that would contain personal information?

**Hon. Mr. Lang:** I am told, Mr. Chair, that is factual. In closing, I would like to thank the department that has worked diligently on this for the last six and seven years. When we opened up the discussion about new drivers' licences, we looked with the Province of British Columbia — we were looking at more of an enhanced driver's licence so that we could use it at our border crossings. The department worked on that

file for many months and brought back reports that it wasn't realistic for this small jurisdiction to do that.

I'd like to thank the department for the work they've done to bring this driver's licence forward and the modernization and the work it has taken.

Again, as minister, I'd like to thank all the individuals in the department for the work they've done.

**Hon. Mr. Kenyon:** Just a couple of points that have been missed and just want to inform people of some of the other aspects of this. The general identification card is important in a number of different ways, from a senior who loses a driver's licence and still wants to have that piece of identification, to a school student who obviously might be too young to drive but needs to get on a plane to go somewhere. There are a number of different things for the general ID card.

At the same time, the general identification card will replace the Yukon Liquor Corporation ID cards. This was brought to light rather dramatically when, a couple of years ago, a young couple, about 18, and a young baby, had all their ID stolen and needed to fly back home to British Columbia.

They had no identification and no way to get on the plane. So it seemed logical at the time that an ID card, a Yukon Liquor Corporation ID card, showing that they couldn't drink and they were too young to purchase alcohol would make sense. In fact, the *Liquor Act* at that time said that you could only issue it if you were eligible to drink which was, in my opinion, a huge miss when that piece of legislation passed many years ago.

So the current valid Yukon Liquor Corporation ID cards will be acceptable from 12 months to when this is proclaimed. Then after that, it will go to the general identification card and it will be produced under the same piece of legislation. So there is a general hook or a general integration with the Liquor Corporation.

Basically, to jump to answer some questions that may come up that are related to questions that were asked, if you have a Yukon Liquor Corporation ID, can you simply bring your old one in and get a new one issued? The answer there is, of course, no. Basically the general identification card will set out source documents required to prove age, identity, residency, et cetera, so these will be replaced.

They will be valid for 12 months, but after that there would be a requirement to get a new card. Also, if you hold a current liquor ID, would you be requested to turn it in or would you have to turn in that card? The answer to that is you would be requested to do so, to guard against possible misuse of the old liquor ID by others. There's a little bit of a situation there.

Some of the other points that I have relate specifically to the general identification card and have either been answered or the minister has addressed them. With those, I just wanted to point out those individual interactions with the Yukon Liquor Corporation and the Yukon Liquor Corporation identification card.

**Mr. Inverarity:** I have just one more question that has come up in the last few seconds, actually. The database that backs up the driver's licence itself — the actual information that is stored on the computer — is it shared with any other computer system within the government system that exists out

there now? I'm thinking health, but there could be any other database — is there an amalgamation of this data or shared with any other database?

**Hon. Mr. Lang:** I would have to get back to him on that. Again, it falls under lawful use of that information. I would have to send information over to you after the sitting here to confirm that. I can't stand up here and say that no other department would have access to that information, when you think that for lawful use it covers a bit of gamut. I would get back to the member opposite on that.

**Mr. Inverarity:** I would appreciate the reply from the minister. I am a little concerned. Obviously, if there is data integration, it would be for lawful use. I am just not concerned that it isn't that. I am just curious as to what other databases these things are shared with at this point.

**Chair:** Any further general debate? Seeing none, we'll proceed clause by clause in Bill No. 85.

**Mr. Inverarity:** I request the unanimous consent of Committee of the Whole that all clauses and the title of Bill No. 85, *Act to Amend the Motor Vehicles Act, 2010* be deemed read and agreed to.

#### **Unanimous consent re deeming all clauses and title of Bill No. 85 read and agreed to**

**Chair:** Mr. Inverarity has requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 85, *Act to Amend the Motor Vehicles Act, 2010*, read and agreed to. Is there unanimous consent?

**All Hon. Members:** Agreed.

**Chair:** Unanimous consent has been granted.

*Clauses 1 to 11 deemed read and agreed to*

*On Title*

*Title agreed to*

**Chair:** Do members wish a brief recess?

**All Hon. Members:** Agreed.

**Chair:** Committee of the Whole will recess for 10 minutes.

*Recess*

**Chair:** Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 85, *Act to Amend the Motor Vehicles Act, 2010*.

**Hon. Mr. Rouble:** Mr. Chair, I move that Bill No. 85, *Act to Amend the Motor Vehicles Act, 2010*, be reported without amendment.

**Chair:** It has been moved by Mr. Rouble that Bill No. 85, *Act to Amend the Motor Vehicles Act, 2010*, be reported without amendment.

*Motion agreed to*

#### **Bill No. 81 — Victims of Crime Act**

**Chair:** Committee of the Whole will now move to Bill No. 81, *Victims of Crime Act*.

**Hon. Ms. Horne:** I am pleased today to speak to the *Victims of Crime Act* in Committee of the Whole. The bill has received broad public support and the members opposite have

also indicated general support of the bill during second reading. There were, however, a number of questions regarding sections to the bill and some related policy questions not necessarily related to the bill itself.

I note that, at the end of his remarks, the Member for Mount Lorne had four questions that I can give answers to at this time. The first was under a discussion of clause 2 — who is a victim for the purposes of the act. The question related to what the government is doing regarding the issue of dual charging during domestic violence situations. I am pleased to be able to report to this House that this issue, as I have previously advised, has been of interest to me and to the departments that I administer. A working group has been working on this issue for some time. I hope to have an answer for the House by this fall, which will coincide with the conclusion of the policing review. The working group is studying the issue of dual charging in domestic violence situations versus a primary aggressor policy, similar to ones now in place in other Canadian jurisdictions.

For those members of this House who are not familiar with this issue, a primary aggressor policy would direct Yukon law enforcement agencies to investigate and determine the most significant aggressor when they are called to a domestic dispute. These policies provide guidance on factors to consider in investigations and prosecutions, including taking into account the dynamics of family violence, prior history of violence and the difference between offensive and defensive injuries.

The fact that women engage in violent behaviour in relationships should not be denied or minimized. However, the reasons for, response to, and outcomes of women's violence remain very different from that of men. While both men and women report experiencing violence in relationships, research shows that women are more likely to experience serious physical injuries and that women are much more likely to fear for their lives and experience emotional consequences of abuse. Research suggests that the consequences of intimate-partner violence remain much greater for women than men in terms of fear, emotional abuse, risk of severe injury and death.

The work of the committee should provide a revised policy guide for police in matters of domestic violence. The Member for Mount Lorne also asked a question about survivor benefits and how the act would help someone who was an indirect victim of a crime. The act includes in the definition of "victim": "an individual who, as a result of an act or omission that forms the basis of an offence, suffers bodily or mental injury, emotional trauma, economic loss or deprivation of property and, if the individual is deceased or otherwise incapable of exercising the rights granted by this Act, includes (a) the individual's spouse, b) the individual's adult interdependent partner, (c) the individual's nearest relative, or d) any person who has, in law or in fact, the custody or guardianship of the individual or who is responsible for the individual's care or support ...".

So any individual experiencing harm could request services under this act as a victim, not only the direct or primary victim.

The third question from the Member for Mount Lorne was regarding the return of property and the possible effects of the

proposed *Civil Forfeiture Act* on the right of return of property provisions in the *Victims of Crime Act*.

The *Victims of Crime Act* before us only deals with the return of property that has been used as evidence at trial during a criminal proceeding. The *Civil Forfeiture Act* has special provisions in it that would have allowed for uninvolved third parties to have their property preserved by the court and their interests secured so that no harm comes to that interest.

While it is possible that a civil proceeding under civil forfeiture may involve a victim of crime, the two bills would be applied differently based on their specific purpose.

The final question the Member for Mount Lorne had — and it relates to the issue of compensation for victims of crime — was about the revenue stream created from civil forfeiture being used to fund victim programming. During the discussion on the *Civil Forfeiture Act*, members would have noted that under section 26: "Unless otherwise provided by the regulations, the director must deposit to the credit of the consolidated revenue fund ...".

This means that under that act, a regulation could be drafted which would allow for the funds to be used for a purpose other than the consolidated revenue fund.

As it stands right now, the government pays for nearly all victim programs from the consolidated revenue fund, with the exception of the crime prevention victim services trust fund. That fund is financed from the victim fine surcharge, as well as from Klondike Visitor Association's profits from Diamond Tooth Gertie's in Dawson.

As to the issue of whether the government considered addressing victim issues through some sort of compensation scheme, the answer is that our policy, which plays out in this act before us, is to provide strong victim support services throughout the territory, rather than to get into the compensation business.

For the members' information, Yukon had a small compensation scheme until the early 1990s, when the federal government ceased funding their share of the program, and it was wound up by an earlier territorial government as a result. The government of the day then decided to improve services to victims and this has steadily increased in scope the services offered, culminating today in the new *Victims of Crime Strategy* and the introduction of this bill as part of that strategy.

Our government is very committed to helping victims of crime by offering services that help to repair the personal harm that victims endure. Often funding programs might pay for some financial loss or compensation for personal injury, but do little to assist the victim in rebuilding their trust in others, dealing with grief issues of the victim and their family, and they certainly do not assist victims during the court process.

Our government, through the *Victims of Crime Strategy*, is working hard to ensure the victims' voices are heard and that there are opportunities to help victims rebuild their lives. This bill will entrench specific rights for victims of crime and provide for duties for persons who will come into contact with victims during the process of investigation, court, incarceration of their perpetrator, and during the receipt of services. I am prepared to answer further questions that members may pose



on this bill and I hope the information I have provided today was useful to the members opposite.

**Mr. Elias:** I thank the minister for her opening remarks with regard to Bill No. 81. I would just like to begin by thanking all the officials who have drafted this particular piece of legislation and led the consultation processes to have the *Victims of Crime Act* on the floor of the Legislature for debate here. This is a good piece of legislation. The minister is right in her assertions that she does have the general support of the Liberal caucus.

I can see why this is a good piece of legislation, because there has been a lot of public consultation and targeted consultation over a period of time, and we're hearing that there's a lot of public support for this piece of legislation, as it does a good job of defining the specific rights of the victims of crime. It addresses a demonstrated need in our society, and that's the rights of the victim.

I also understand that the Yukon is one of the last remaining jurisdictions in Canada — the minister can correct me if I'm wrong — to enact this type of legislation, in understanding the intention of the act to promote fair treatment of victims and to minimize the effects of being a victim of crime.

When you look at the preamble, for instance, in Bill No. 81, where it mentions, "Every person has the right to live without being harmed by another person's criminal act;

"Whenever that right is infringed, society has a duty to treat the victim with courtesy, compassion and respect;"

Also the word "dignity" comes to mind. It also goes on to say, "Victims should be encouraged to participate in the processes of justice in ways that preserve their dignity and do not increase their suffering;

"Yukoners recognize and value their diversity, and acknowledge the special roles that a victim's family, clan, community, First Nation or other group can play in supporting and caring for the victim."

This is a preamble that obviously is endorsed by the broader Yukon public. Going further into the piece of legislation, it covers topics about the rights to have views considered. In clause 5, it says, "Victims have the right to have their views, concerns and representations considered at any stage of the criminal justice process where the law provides for this possibility."

You know, clauses like that are appreciated and recognize the good work of the minister and her officials and the public at large in shaping this type of this legislation. I guess these are my opening comments; I don't have very much to add. I think this is a piece of legislation that can be agreed to by our caucus and I look forward to further discussion and questions. I'll end my opening comments. I'll turn the floor over to the Third Party.

Again, this is a good piece of legislation. I can see why due diligence has been done. Consultation has been fairly widespread for a good period of time. So, again we support this piece of legislation — Bill No. 81, *Victims of Crime Act*.

**Mr. Cardiff:** It's not very often the members on the other side give up the opportunity to speak, but I appreciate the opportunity to be here today to speak to the *Victims of Crime*

*Act*, Bill No. 81. I'd like to thank the officials for being here today to provide assistance and advice on this particular piece of legislation.

I would also like to thank the minister for responding to the questions that I raised during second reading. I thank her for that.

This is a piece of legislation that is welcome here in the Yukon. I think in my second reading speech I used the word "survivors" because oftentimes you're a — depending on what criminal activity took place or what a person was a victim of, you live with that oftentimes for the rest of your life. The concept of treating people — victims or survivors of criminal acts — with dignity and compassion, respect, involving their families, their clans, their First Nations, their communities in a healing process is very important.

I just have one other — or a couple of other questions, I guess it will turn out to be.

In her opening remarks today, the minister mentioned that there are no provisions for compensation within this piece of legislation, but that there are provisions for compensation through the victims of crime — I'm trying to remember exactly; I don't have the name — trust fund, I believe. No?

It's funded by the victims of crime surcharge and the Klondike Visitors Association. Anyway, I'm sure that the minister knows what I'm talking about. I'm curious about how that is administered — how victims or survivors are indeed compensated for personal losses or for the pain, the suffering, and often the indignity they go through.

While I agree that the intent is to treat people with courtesy, respect, compassion, and to consider their privacy, there is an argument and resources are needed for providing some of these services, which the minister indicated come from the consolidated general revenue fund.

In clause 8 of the bill, it talks about the rights that are described in clauses 3 through 7. Those are the fundamental rights. "In their interaction with the justice system, victims have (a) the right to be treated with courtesy, compassion and respect; (b) the right to the consideration of and respect for their privacy; and (c) the right to expect that reasonable measures consistent with the law will be taken to (i) minimize their inconvenience, and (ii) protect them from intimidation and retaliation."

There's the right to information; there's the right to have their views considered, the right to the return of property, which has been touched on; and the right to have needs, concerns and diversity considered.

That is where we get to victims have the right to have their needs, concerns and diversity considered in: (a) the development and delivery of programs and services for victims; and (b) public education and training initiatives related to community safety and the criminal justice system."

It goes on in clause 7 (2) to say, "Programs and services for victims are, where reasonably possible, to take into account (a) the differing needs and circumstances of women and of men; (b) gender inclusive analysis relating to offences and victims; (c) the cultural diversity of Yukon people, and in particular the cultures of Yukon First Nations; and (d) the specific

needs of groups of individuals, such as those with cognitive impairments or mental illnesses.”

So in clause 8 it says, “The rights described in sections,” that I’ve just laid out, “are subject to the availability of resources and information.” So when we talk about resources, we’re usually talking about the availability of personnel to deliver these programs and services to victims or survivors and we need to know that in clause 7 it talks about, “the development and delivery of programs and services for victims ...”

It talks about the development and the delivery of programs and services for victims, but it’s subject to the availability of resources. The question for the minister is — it seems like a qualifier. I realize that we can’t expect the government to write a blank cheque for this. But I would like to know what the intent is there, because it seems almost like an escape clause. If there are programs and services that are needed or required under clause 7, or if there’s anything in the other clauses — 3, 4, 5, 6 and 7 — that need to be provided, they’re only provided subject to the availability of resources. If the resources aren’t there, it’s kind of a tough luck — “Sorry, you’re not going to get those services.”

I’d just like to know what kind of commitment the minister has received from the Premier and the Minister of Finance to ensure there will be adequate resources and if there is a threshold where funds will no longer be provided.

I would also like the minister to explain if she can — I’m going to roll it all up into one now — that whole concept around compensation and how that is administered by the government. If she has the information available, how much money is in that trust fund? I guess the other question on that would be whether or not — I believe we received an annual report on the expenditures, but if she could confirm that, it would be much appreciated.

**Hon. Ms. Horne:** I thank the members opposite for their comments and questions on the act. To reply to the Member for Vuntut Gwitchin, Yukon is the only jurisdiction in Canada that did not have a *Victims of Crime Act*. The *Canadian Statement of Basic Principles of Justice for Victims of Crime, 2003* sets out the principles that promote fair treatment of victims.

Our proposed act reflects the Canadian statement of basic principles. We did hear, during the consultation on corrections, that more needed to be done for victims of crime, and this was noted in our correctional redevelopment strategic plan.

The strategy was developed by the Department of Justice and the Women’s Directorate, in collaboration with First Nations and community agencies, in order to enhance our responses to the needs of victims’ families and their communities. We did go out for considerable consultation to the communities and to First Nations.

The strategy provides a framework for the Government of Yukon to address the needs of victims of crime. An advisory committee has been set up to assist with the implementation of the strategy.

What this act will do is codify the rights of victims in the justice system and make a big difference in the lives of those victims as they travel through the justice system. This legisla-

tion will give victims a higher degree of certainty. The rights set out in the act state that, at all stages of the justice system, consideration should be given to the needs and concerns of victims of crime and they should be treated with courtesy, compassion and respect and have access to appropriate protection. This act will give the victims assurance that this will be done, this will be carried out.

These rights already underline much of the current practices of our courts and its associated programs and services for victims, but are not supported by legislation, and this is what we are doing.

The director of Victims Services is given new duties, which now include monitoring how rights are being observed, considering victims’ concerns in new and existing programs, and conducting research into victims’ issues. This act will make programs and services more client focused as they are taken into account. Gender-inclusive analysis — this was requested by the Women’s Directorate — the cultural diversity of Yukon people; the specific needs of groups and of individuals, such as those with cognitive impairments or mental illness. The act will also help those victims who do not wish to follow a court process. An offence has to be alleged for there to be a victim under this act; however, the offence does not have to be reported to the police and charges laid. The victim merely has to go to Victims Services and make an allegation. They are then offered programs and services to suit their needs.

The act tries to ease the experience of the victim in the court system so that their fears of the system are diminished and their input into the hearing of the case is maximized. Some people may wonder why the act does not include financial compensation, which the member opposite just asked. The victims are assisted throughout the whole criminal justice process. They are not compensated for their financial losses, but for emergency purposes. In some cases, the assistance can include modest amounts of financial help where, for example, clothing or personal property or teeth are damaged or your eyeglasses are broken. It could cover a whole area of expenses — actual expenses though. Again, this is part of the program of victim services, not a compensation system.

What other questions — I hope I can remember. The crime prevention victim services trust fund is for community-based initiatives that help victims and reduce crime.

Those go out to the different organizations throughout the Yukon that offer programming. That’s where the victim services trust fund money goes. There is the small victims of crime, which is \$50,000. That had been only \$5,000. We increased it this year to \$50,000. The victims can access this fund through the Victims Services office, but it is used for emergencies where the individual does not have insurance for damages incurred.

**Mr. Cardiff:** The minister clarified a bit of my question around the victims — it’s the crime prevention victim services trust fund. I think I’ve got it now. Well, it’s not related to this act. The minister said that the fund — does she know what the total value of that fund is? There used to be \$5,000, and now there’s \$50,000. She’s nodding her head. So this isn’t a fund.

The way the minister explained it the first time was that it comes from a victim surcharge in the court system and it's funded by the KDA, which means it should be growing annually and it can be drawn on to provide those services — whether it's loss of clothing or personal effects, or if it's for medical or dental health that isn't covered under the Yukon health care system. I'm a little confused now about what the \$50,000 change was all about. Is it that the threshold used to be \$5,000, and now it's up to \$50,000? What are the total assets of the crime prevention and victim services trust fund currently?

The other question I asked was around clause 8. If the minister could respond to that, about the availability of resources, so that the rights that are described are subject to the availability of resources. What exactly does that mean? I feel that's important, because when we're talking about resources, we're talking about the availability of staff, the people who work in the Victim Services unit. But it's also about other programs and services that the government might need to fund to provide those services for victims — whether it is counselling services or other services that are described in clause 7. If the minister could provide an answer for that, that would be appreciated.

**Hon. Ms. Horne:** I did not respond to a question that the Member for Mount Lorne asked the first time around here, and that had to do with clause 7 and 8. I did have it out to respond and overlooked it. Clause 7 provides examples of the kinds of diversity the programs and services for victims take into account. The subsection is not meant to provide a complete list, but rather to highlight some of the diverse needs and experiences that should be accommodated. That is not the end there; it's only an example.

Clause 8 describes in a general way the reasonable limits that are part of the *Victim's Bill of Rights*. Some of these are practical limits. The government does not have unlimited resources for Victim Services. Others are legal in nature. For example, the victim's bill of rights does not entitle a victim to information that is protected from disclosure by a court order.

Subsection 8(2) is proposed to build on subsection 8(1) with examples of specific circumstances in which information need not be given to an individual. The individual's views need not be considered and property need not be returned.

For this purpose, the term "individual" refers to anybody who is or may be a victim, and "person" is any official who would, but for clause 8, have a duty to do something under the draft act.

The section confirms that these things do not have to be done if the individual is not known to a victim, the individual does not want to receive the information or service, the individual cannot be contacted, or the person reasonably believes that doing the thing would be unlawful or would impede the justice system's handling of an offence.

I believe the Member for Mount Lorne is confusing the crime prevention and victim services trust, which is created by statute, and the victims of crime assistance fund, which is for individuals, and that is run by the department.

**Mr. Cardiff:** It looks like I may have to do a little more research myself on this one.

The minister touched on clause 8 and I understand that. What I'm going to do is just direct her directly to the line. It's in the second line of 8(1). It says, "...subject to the availability of resources", which is a qualifier. It's basically qualifying that, "The rights described in sections 3 to 7 are subject to the availability of resources..." Resources being — as I've explained a couple of times — personnel within the Victims Services unit and financial resources to deliver or develop the programs that the minister talked about in clause 7 when she responded to that. All I'm saying is that subject to the availability of resources is a qualifier. What are the thresholds? Resources, in this instance, could be interpreted to be financial resources to fund a program, design a program or deliver a service. When I read this, a flag goes up, because it says "subject to the availability of resources".

So my concern is that somewhere — at the ministerial level, at the departmental level or it could be at the Premier's level — somebody has decided that there's a threshold. We're talking about the availability of resources. What I want to know is, what is the threshold? It requires a commitment on the part of the government to commit public funds or resources to the development and the delivery of services for victims, as in 7(1)(a). It also talks about public education and training initiatives. There might be work being done on that, as well. But when you say "subject to the availability of resources", it indicates to me that there's a threshold where these provisions of the legislation aren't going to be available anymore. As I said before, I understand it can't be a blank cheque, but what I would like to know is: what is the threshold?

**Hon. Ms. Horne:** I would like to give the member opposite the staff statistics. The Victim Services workers in Yukon communities include: one for Dawson City; Mayo and Pelly works out of Dawson City; one travels to Watson Lake, Lower Post and Good Hope Lake, B.C.; six Victim Services workers in Whitehorse — they also travel to these communities as required; one travels the north Klondike Highway; one travels to Teslin; one travels to Carcross, Ross River, Old Crow and Faro; one travels to Atlin; and one travels to Carmacks. In funding for victims, prior to 2008, the numbers are difficult due to the alignment of the units prior to this date. However, I can advise that funding for programs for victims has remained relatively consistent and has even gone up slightly in the past year. In 2009-10, this government provided \$131,000. This does not include staffing costs but is directly related to programming.

We have just announced an increase in funding over the next three years. Management Board has committed just over \$171,000 annually for two additional staff who will focus on community needs, as well as \$85,000 annually for additional training for people working with victims of crime.

Management Board provided the one-time limited funding in the amount of \$50,000 for public education and social marketing materials. Management Board also committed just over \$181,000 annually to support the Women's Directorate in a community-based social marketing campaign to address the prevalence of intimate-partner violence in Yukon.

Our government is concerned about the high rates of sexual assault in Yukon. The Department of Justice has success-

fully operated the Domestic Violence Treatment Option Court since March 2001. The Domestic Violence Treatment Option Court is a therapeutic court that supports offenders and the victims to make the necessary changes in their lives and lower the risk for them to reoffend.

The Domestic Violence Treatment Option Court continues to operate in Whitehorse, as well as in Watson Lake, in response to ongoing high levels of domestic violence in that community.

The Department of Justice works with offenders, both individually and in group counselling sessions at the Whitehorse Correctional Centre and in the community, by delivering the spousal-abuse treatment program for men and women and the anger and violence program for women. Contrary to what the Member for Mount Lorne said, it is not the Premier who sets the threshold for the funding of victims. The director has discretion to create and design programs. All government programs are subject to availability of resources. What is important here is that, within reasonable limits such as legal restrictions on giving out information and the financial position of the government, obviously it will be at the discretion of governments what amount of resources are allocated based on priorities. As I said, our government has increased this amount from \$5,000 to the now standing \$50,000. That's a considerable increase. I would hope that all future governments also make victims a priority.

**Mr. Cardiff:** I thank the minister for clearing some of that up. It is helpful.

I appreciate the fact that the Management Board has approved an additional \$171,000 for two more positions, because I believe — as we were discussing yesterday during debate about the Women's Directorate, the people who work on the front line oftentimes become entangled in distressing and emotionally charged situations that take their toll. It's hard on the people who are working in that unit to deal with the workload and with the actual situation they're dealing with. So I appreciate the minister's comments about that.

I understand it is at the discretion of the director to set those limits, and what programming is needed, and what they can do within their budgets. What I was concerned about was that somewhere there was a threshold. Obviously, it's what's contained within the budget. I understand that now.

I support the minister in the increase and further increases in this area because I believe that it is important that if we are going to treat these people with compassion and dignity, then it is going to require additional resources to do that. I think this has been a long time coming. From my understanding, there has been extensive consultation and buy-in from various communities. So we support the legislation and thank the minister for clarifying the questions that we had. Thank you.

**Hon. Ms. Horne:** I again thank the members opposite for their questions and their input, and I do appreciate and recognize the compassion that the Member for Mount Lorne has for victims of crime in Yukon. I look forward to further discussion on this in line by line, if the members so chose.

**Chair:** Is there any further general debate?

**Mr. Elias:** Under Part 4, General, in clause 12, where it says "Agreements with Government of Canada," and clause 13, "Agreements with First Nations," where it says, "To assist in the implementation of this Act," could the minister provide a practical example of how she envisions this happening in today's Yukon, in terms of the implementation of this piece of legislation, please?

**Hon. Ms. Horne:** 12(1) reads, "To assist in the implementation of this Act, the Minister may enter into agreements under this section with the Government of Canada." Clause 12 lets the minister responsible for the *Victims of Crime Act*, who is now and expected to be the Minister of Justice, enter into agreements with the Government of Canada in order to aid in the implementation of the act.

This is very important since, in Yukon, unlike in the provinces, the Government of Canada is responsible for the investigation and prosecution of *Criminal Code* offences. Given their special role in criminal justice matters, it is expected that priority would be given to agreements that deal with the RCMP and the federal prosecution service. Subsection 2 reads, "An agreement under this section may, among other things ..." To decipher that, 12(2) lists some of the things that may be included in the clause 12 agreement between Yukon and Canada. Taken together these would have the effect of including in Yukon's Victim Services' system whatever federal agencies are covered by the agreement. Specifically, a clause 12 agreement could: cause a federal agency to operate in accordance with the *Victims' Bill of Rights* or any related regulation; involve a federal agency in Yukon's victim programming and related activities; give special meaning to any term defined in clause 1 for the purposes of a federal agency's actions under the draft act.

It would allow Yukon officials to make victim services policy recommendations to Government of Canada officials and deal with any other matter in a way that is consistent with the draft act. Any agreement between governments would be voluntary for both sides and so a particular agreement might not include all of these elements exactly as I've described them. The list does indicate the things that Canada would seek to include in agreements with Canada.

Clause 13 (1), Agreements with First Nations, reads: "To assist in the implementation of this Act, the minister may enter into an agreement under this section with the Yukon First Nation or a band council." This clause lets the minister responsible for the *Victims of Crime Act* enter into agreements with Yukon First Nations and band councils in order to aid in the implementation of the draft act.

This will be especially important: if a First Nation has the capacity in law to operate all or part of a justice system and chooses to do so, an agreement under section 13 could ensure that the First Nation's treatment of victims is coordinated with the treatment of victims under the Yukon's general justice system. Subsection 13(2) is mostly the same as proposed subsection 12(2). Paragraph 13(2)(d) sets out one additional possible area of an agreement. If a First Nation has created offences under its justice system, paragraph (d) allows those offences to

be included as offences within the meaning of the draft act, if the two governments agree.

**Mr. Elias:** I thank the minister for her response with regard to the clause 12 overwrite. Her responses to the agreements with First Nations under clause 13 do raise a little bit more questions. So, this clause is basically — in this *Victims of Crime Act* — assuming that a self-governing First Nation has occupied the field under their self-government agreement with regard to the administration of justice. Is that the only reason why this section is here in terms of entering into agreements with First Nations to assist in the implementation of this act?

Is there a practical scenario in terms of entering into an agreement with First Nations that has not chosen to occupy the field under their administration of justice? If so, what is that practical example, in terms of the implementation of clause 13 — agreements with First Nations?

**Hon. Ms. Horne:** These are the same conditions as the *Corrections Act*. We can enter into agreements with First Nations before they draw down justice. It has to be by agreement and be consistent with our act.

If you'll notice, the wording there — “band council” — is there for a reason. That is, if they are not a self-governing First Nation and not a signatory of the final agreement.

**Mr. Elias:** I am just trying to get some practical example about how this can be an agreement with a First Nation; how this can be developed in the implementation of this act. If she can provide an example or what she envisions as an agreement being entered into with the First Nation, whether they have drawn down the administration of justice or not — or a band council — to successfully implement the *Victims of Crime Act*. I am just looking for a practical example in today's Yukon if she could provide one for me, because I am just having a bit of difficulty understanding the intent of the explanation from the minister and this initial subclause here in clause 13. So could she provide me with a practical example in today's Yukon about how this section 13 can be implemented here in our territory?

**Hon. Ms. Horne:** I'll give an example: if a First Nation has a victim services worker, that worker's responsibility and the services they provide could be coordinated with the services provided by the Government of Yukon. Say if a First Nation wanted to provide a victim service or offer victims counselling, they would come to the Yukon government and say, “You are offering this program and we want to offer this program in our First Nation.” Then we would sign an agreement for them to also use the service or program.

**Chair:** Any further general debate?

Seeing none, we'll proceed clause by clause on Bill No. 81, *Victims of Crime Act*.

**Mr. Elias:** I request the unanimous consent of Committee of the Whole to deem all clauses, the preamble and the title of Bill No. 81, *Victims of Crime Act*, read and agreed to.

#### **Unanimous consent re deeming all clauses, the preamble and title of Bill No. 81 read and agreed to**

**Chair:** Mr. Elias has requested the unanimous consent of Committee of the Whole to deem all clauses, the preamble

and the title of Bill No. 81, *Victims of Crime Act*, read and agreed to. Is there unanimous consent?

**All Hon. Members:** Agreed.

**Chair:** Unanimous consent has been granted.

*Clauses 1 to 21 deemed read and agreed to*

*On Preamble*

*Preamble agreed to*

*On Title*

*Title agreed to*

**Hon. Ms. Taylor:** Mr. Chair, I move that Bill No. 81, entitled *Victims of Crime Act*, be reported without amendment.

**Chair:** It has been moved by Hon. Ms. Taylor that Bill No. 81, entitled *Victims of Crime Act*, be reported without amendment.

*Motion agreed to*

**Chair:** Committee of the Whole will now 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 2, Executive Council Office. We will now continue with general debate. Mr. Fentie, you have about five minutes left.

#### **Executive Council Office — continued**

**Hon. Mr. Fentie:** Mr. Chair, as it is well-known that the Executive Council Office is a very important department in the overall structure of government. Its functions are relatively specific to a number of areas, not the least of which is our First Nation implementation of our land claims. That secretariat certainly serves important function.

The Government Liaison and Capacity Development branch — we deal with the Commissioner; development assessment issues; intergovernmental relations; all matters pertaining to Cabinet offices; of course, the Yukon Water Board, its secretariat; the Youth Directorate; the function of the northern strategy; public inquiries and plebiscites; and corporate services. As you can see, it is a very, very busy department in all of its mandated functions.

Beyond that, Mr. Chair, we've delved into a number of the areas already with respect to the department ranging from unsettled land claims to FDA with the First Nations here in the Yukon. I think the last issue was the issue of the Water Board's decision and the response from the government side on the fact that this is a quasi-judicial function mandated by a statute, which was once federal law, and which we had to mirror, known as the *Waters Act*. I am not sure what else I can add to this, Mr. Chair. Budget-wise, I think, it is fair to say the department has been fairly consistent in its area of budgeting.

The one important increase that we must recognize, however, is the Youth Directorate's increased investment. Three youth groups in the territory are receiving a significant increase to carry out their function as front-line agencies in dealing with matters that are specific to our youth.

Mr. Chair, with that, I look forward to any other discussion regarding the Executive Council Office.

**Mr. Mitchell:** We certainly did delve into a lot of issues yesterday, as the Premier has mentioned or noted. He did identify a few of them. His response to the question I had asked 15 minutes before we concluded yesterday about the Water Board was not very detailed. He basically said that, as required by the devolution transfer agreement that the Liberals of the day signed on to, the federal statute that required us to mirror those federal statutes, which includes the *Waters Act* that mandates a quasi-judicial board to undertake the duties as defined in that legislation. He said that they were closely monitoring the issue, which really didn't inform us of much in terms of what next steps would be.

Earlier, I made reference to a hockey game and, as so often happens, people came to a hockey game and a fight broke out. In any case, we'll see how that goes today.

In the Premier's remarks yesterday afternoon, he made reference to Bill No. 82. He had a fair bit to say about Bill No. 82, describing his view of what the government was doing and what the process was in working with the Third Party, right up to where amendments were being proposed. I would remind the Premier that amendments were not being proposed on the floor of this Assembly because we were still in general debate of Committee of the Whole on the bill, and we never got to the point where amendments could be proposed, which would have been when we got to the actual clauses in the bill.

We too had some amendments in mind but, after reflection, I actually had one amendment on the correct coloured paper right there at the time; however, after reflection, we recognized that this, being a bill that really deals with the law — I guess all bills deal with the law, one might say — but amending one clause could impact on another.

We felt that that would be dangerous for a bunch of non-lawyers to try and do on the fly, and we didn't believe we had the resources to hire the specialized counsel to effect the significant changes we would have had to make in order to support the bill. In fact, we considered that, and instead said that it should go to public consultation.

The Premier described that our position on Bill 82 as having been a reversal. He has talked about it being caught up in the moment — demonstrators and such — and then he made the comments about people's right to free expression, whether implying that because we stood too close to people who might have recently spent time in the Whitehorse Correctional Centre, somehow that that was something we should avoid. I've addressed that elsewhere and I'm going to leave that alone here.

But I do want to remind the Premier, because he seems to have not been paying close attention to debate during Bill 82, that we said right from the beginning — I spoke at second reading of the bill. I did not endorse the bill. In fact, I didn't vote for the bill at second reading. I said it has often been said that

the devil is in the details, and that indeed is the case in legislation such as this.

The minister is correct when she said that, on this side of the House, we encouraged the government to move forward with this type of legislation; however, we want to put on the record that we certainly weren't signing a blank cheque when we did so.

I went on to talk about the shift in the burden of proof. I'm not going to read it all, but there's quite a bit on the record there. If the Premier chooses to read those comments I made in *Hansard*, it would be hard to find an endorsement of Bill No. 82. We did endorse, by vote on the motion in the fall, for this Assembly to look into this kind of legislation and, at the time, it was either the Member for Vuntut Gwitchin or the Member for Porter Creek South who talked about public consultation then.

I will mention, at second reading, that I said, "Now there are a number of other things that we are concerned about. There has been no public consultation on this legislation, not with the general public and not with any other groups among the public — for example, with the chambers of commerce, with the Real Estate Association.

"So this is all news to members of the public the day this legislation was tabled. So the public hasn't had an opportunity to look at the legislation in hand and people who may have a particular interest in the public to provide input and suggestions on how to improve the legislation before we debate it and pass it."

Later I talked about, again, that there was a method in here for an innocent person to defend themselves, but they have to do that. They have to defend and prove their innocence. The government doesn't have to prove their guilt.

Finally — and I think this should be very clear to the Premier — after pointing out a number of other concerns, I said, "We think that there should be an opportunity in Committee of the Whole to get into this in much greater detail and we intend to. We hope that when this passes its second reading — because certainly the government itself has enough votes to pass it at second reading — and if we vote for this at second reading, it should not be seen as a simple endorsement of the act as it reads."

Mr. Chair, contrary to the Premier's views that he expressed the other day — just to make sure that we are factually correct — I spoke at second reading and outlined the Liberal position on that bill. It has been consistent, insofar as it should go to public consultation, that there were flaws in the bill, that we would not be able to support it as it currently reads, it would need to be amended, and we felt the first step was to have a good debate on it and then take it to public consultation. That in fact is what was voiced by my colleague, the Member for Vuntut Gwitchin, at the rally, which we attended. That is what should be done.

This bill has many flaws and that is where it should be addressed — following public consultation. This talk of working with opposition parties on amendments was only talk, because no amendments were ever proposed on this floor, nor could they be, while we were still in general debate. We had amendments, they had amendments, they chose to meet with the gov-

ernment, we chose to ask for public consultation — just to be clear.

Now, I do have other questions for the minister. Again, I would like to get a more detailed answer from the minister about where the Water Board decision on Carmacks Copper goes at this point in time. There are some who believe that it cannot advance without a re-submission to the Water Board. There are others who have said that, actually, the minister would have the ability to overrule that simply by signing off. I would like some clarity if that is the case. Quite frankly, I don't know the answer to that question but the minister no doubt does.

So there are two questions in there. One: can the government sign off on this project regardless of the fact that the Water Board did not approve it? Two: if the government has that power, does it intend to use it?

Certainly, we know the Little Salmon Carmacks First Nation, along with many others, wants to know the answer to that.

I have other questions and I think I'll mention a couple of them now — at least one — and then I'll allow the Premier to respond and we'll see if I have time left to respond again.

Regarding YESAA and YESAB appointments, again, has the Premier forwarded any names to Minister Strahl or made any recommendations? Or have names come forward, in fact, from Canada regarding the head of the executive committee on YESAB? If so, is the Premier recommending that the incumbent — who is a former commissioner and well known to us all — is the person they're recommending or is it somebody different?

I think with that, I'll just let the Premier answer those questions and we'll see whether we have a hockey game or the gloves come off.

**Hon. Mr. Fentie:** He shoots, he scores. Let me go back to the Water Board issue, Mr. Chair. To the best of my knowledge, the minister responsible for the Water Board cannot override a Water Board decision.

In fact, the function of the minister is to sign off and approve water licences that come forward from the board. We have to clearly understand that it's an independent administrative tribunal. It couldn't be independent and quasi-judicial in nature if the minister could simply overrule its findings. I hope that helps the member.

As far as YESAB, the Yukon government has only one appointment that I believe we've already suggested. I can't give the member a list of names here off the top of my head, but I believe the existing appointee was recommended for re-appointment. The federal government department does consult with the Yukon on one appointment to the executive. Then, of course, there are the First Nation appointments.

I can't give the member much more than that, other than the fact that the Yukon's appointment has been recommended for reappointment.

I believe the individual — though I am loathe to mention names here, but this might help our discussion — is Tara Christie.

On the issue of amendments to Bill No. 82, I think we've delved into this issue at great length. I just wanted to point out

though, to the Leader of the Liberal Party that on April 28 of this year the minister received a very lengthy and detailed response from the Third Party as we continued to work on the bill. It listed a number of areas of amendment and reference clauses for amendment. I think that's what the minister was referring to all along, Mr. Chair; that the work is in progress, because this is definitely an issue that the government was directed by the Assembly to bring forward — civil forfeiture legislation — and, of course, we all know now that the Assembly has directed all of us and the government in accordance with the bill that it shall not pass and that we must continue to do our work. The motion that created that scenario includes public consultation. I think beyond all the other to and fro, the thrust and the parry, I guess we're actually all on the same page and the work continues.

I would hope that, fundamentally, however, there is no disagreement on this fact: that the proceeds from crime, because of criminal activity, is an area that should be addressed in the Yukon. Under the *Criminal Code*, the federal government can do it now. I think that's a disservice to Yukoners in one respect: in many cases, they are victims of crime and we might be better served — in fact, we probably will be better served — if we had some sort of instrument that would allow us to deal with this matter. It is about criminals, crimes they commit and the wealth and benefit that they gain from that type of criminal activity. I'm sure we're all in lockstep on that issue, and the outcome of our work will hopefully address that very matter.

I think I've about covered what the member asked, have I not? Are there any other questions from the member? The Water Board, YESAA and the issue on Bill No. 82.

Other than that, Mr. Chair, I don't have much more to add at this time, unless there are further questions with respect to the Executive Council Office.

**Mr. Mitchell:** I will thank the Premier for his responses. I appreciate the clarification that, because it's an independent quasi-judicial body, in fact, they would have to issue the document for the minister to sign off, so it can't be done over their objections. I think that's a clarification that a number of members of the public — and obviously there are a number of interested parties on all sides — wanted and appreciate the Premier clarifying that.

Yes, on Bill No. 82, we can agree with the Premier that most Yukoners want to ensure that the proceeds of crime are addressed. We will say that the *Criminal Code* already provides some remedy for this, because clearly when someone has been convicted of a crime, there is remedy that is available under the *Criminal Code*. The issue that became of concern to us and I raised it — the Premier says he talks to officials; he should know that I raised it, as did my colleague from Vuntut Gwitchin at the briefing, because that's the first time we really had an opportunity to address that bill.

But the moment I read the bill, I was concerned over some of the clauses in the bill. But I needed to ask the officials — did they mean what I thought they meant? As I've said, I'm not a lawyer. We don't have a lawyer on staff. The government has many lawyers on staff and they had one at the briefing. That was therefore the appropriate place for us to be better informed

so that we could have informed debate. The concerns revolved around the fact that this could start with a file provided by the RCMP to a director in the Yukon government, or indeed, it could start even without a police file. This civil procedure did not require that anybody be found guilty of a crime, or even ever have been charged with a crime. That was of real concern, because that's a very different threshold than the one we are accustomed to here in Canada, and certainly in Yukon. It's a concern when people say they were found not guilty, but everybody knows they were guilty. We all know of instances where we believe that to be so, and yet there are instances where we believe that to be so and it turns out not to be the case. So, that test — we were told it was 50-percent plus one. It was a near majority. That was of concern.

In a sense, that's almost like retrying the circumstances of an offence when someone has been found not guilty and then the property is pursued. Of even greater concern was when it became apparent at the briefing that there need not have been any attempt to prosecute a crime. It could just be that the government believes a crime had occurred and, therefore, goes after the property.

Finally, we were very concerned — I certainly was — over the clauses having to do with mental conditions because we can think of many possible instances where someone was found not guilty due to their mental condition and then would have to defend themselves, with that same mental condition, and would have to defend their property. If they were not capable of being found guilty due to mental condition of having knowingly committed a criminal act, one questions whether they have the capability or, for that matter, the financial ability, to defend the property. Also, as the Member for Vuntut Gwitchin pointed out during the briefing — and I did at second reading — there is no requirement for the government to provide financial assistance to any individual in order to defend their property. They can apply for it or ask for it but there is no obligation.

Finally, I just want to say that as recently as Question Period on the day in which the Third Party's motion came up for debate — and I do thank the Third Party for bringing that motion forward because it is likely that it was better received by the government than had it been brought forward by the Official Opposition. Nevertheless, in Question Period that day, the Justice minister continued to say no to our requests to take the bill out to public consultation. She said there had been a consultation. There was consultation with the Crown attorney and the RCMP. She said to bring forward amendments. Our fundamental position was that we shouldn't have to try to fix this on the fly; it should go to public consultation.

We are glad that the government changed their position between 1:00 and 5:00 on that day, and we think that Yukoners appreciate that this Assembly has moved in the right direction and it should be a lesson to us for future legislation.

Mr. Chair, I would ask one question. The minister stated in response to a question I asked yesterday that all but two First Nations had provided their reports on the housing trust money, and he identified the two First Nations that had not. I'd just like to ask: was there a due date on this? When were these reports due, so we know how much past due they are?

**Hon. Mr. Fentie:** The reports on the matter of the affordable housing monies are something that are required on an annual basis. All are up to date except the two First Nations we mentioned, and we continue to work with them on getting them up to date.

Further, I think it's clear that, on Bill No. 82, we've discussed at great length all the scenarios; at the end of the day, what really is important here is that any position taken on Bill No. 82 is also relative to the direction of this Assembly, and the government honoured that direction and followed that direction until such time as the Assembly directed otherwise. Having said that, we all know that that's exactly what transpired.

You know, I might try also to inject here some discussion on the department that I think we should be actually debating, because these are important areas that involve land claims, implementation and boards and committees. I want to just get into a bit of a breakdown here for the benefit of the members opposite to go over because I think it's significant we understand that this portion of the Executive Council Office is extremely important and with it comes some significant investments..

So when we get into the area of the department that has to do with some very major obligations with respect to land claims and implementation of those treaties, there is a total allocation here of some \$6.9 million.

Some of the areas that this is relative to are important, because they include the RRCs, it includes the Geographical Place Names Board, Heritage Resources Board, Fish and Wildlife Management Board, Land Use Planning Commission, Peel Watershed Planning Commission and the Dawson Planning Commission.

Because I know there have been questions on this matter a few times in this House as it relates to RRCs and other functions within this particular area, I want to point out that if the members compared the 2009-10 budget to the 2010-11 estimates, the members would see that when it comes to RRCs, there is indeed an increase for them to undertake their functions. I think that's an important point that must be made.

Also, when it comes to other boards like the Fish and Wildlife Management Board, there is definitely an increase between last year's mains and the estimates for the 2010-11 mains.

The Yukon Land Use Planning Commission has an increase, but also I want to point out that the Peel Watershed Planning Commission shows a decrease, but that is relative to the amount of work that must be undertaken now by the commission. We're at that juncture where governments, under the land use planning chapter 11, are obligated to undertake the work that is required once we get to this juncture with any land use plan. Also, the Dawson Planning Commission is receiving a relatively small increase in terms of its allocation. That said, Mr. Chair, we also want to make a couple of points regarding the participation that is a tripartite participation in a number of areas that the branch or the department is responsible for. Those include final agreements and self-government agreements, and implementation plans for each of those agreements. It includes transboundary agreements. I think members are well aware of the transboundary issues for Yukon, and the interim



justice administration of justice agreements, which have been a major challenge for this territory, of Yukon First Nation taxation agreements.

I want to point out that we have shared tax room on income tax with Yukon self-governing First Nations and because in that scenario Canada backstopped Yukon in sharing that tax room, that's our position for other possible taxation sharing agreements.

The asset construction agreements are more specific to one First Nation at this time, and that is the Kwanlin Dun First Nation. That particular agreement and those agreements are relative to things like the airport expansion and other capital projects in the Yukon that are \$3 million and above in total value. Of course, one of the major fundamentals of the YACA agreements, as we call them, is that the arrangements must be commensurate.

Also, there's a great deal of work being undertaken by the Governance Liaison and Capacity Development branch. Most recently the branch, along with Yukon College, have now enhanced or expanded on the pilot project entered into with the Champagne and Aishihik First Nations at Yukon College on a program that was part of the curriculum that is specific to government administration and will certainly lead to assisting First Nations in the building of their self-government structures and educating Yukoners for opportunities that exist in self-government throughout the territory.

Finally on this particular area, I'd like to just delve quickly into some of the organization of the Land Claims Secretariat. It actually consists of four units: the Policy and Administration unit; Implementation, whose budget includes the recoverable implementation funding; Negotiations is another unit; and of course, First Nation Relations. There are a number of hard-working staff in this area and all recognize that the tremendous work done and the many years involved here have resulted in something that is now being touted as a model for Canada.

I believe the member also touched on the northern strategy issue and its continuance and, as I pointed out, it was sunsetted, as agreed to all along. But in the 2010-11 budget, we have an expenditure and investment of some \$3.4 million through the northern strategy. There are a definite range of projects quite specific to Yukon First Nations. I'd just like to briefly touch on those, because I hope this helps the members opposite when they take positions, such as that the Yukon government ignores First Nations. I think this is one area of example that would help the members opposite clear that up. Just let me touch on some of those.

There are investments of the northern strategy for the Ta'an Kwäch'än Council. There are investments for the Ross River Dena Council. We did not penalize or differentiate between First Nations that were settled and those that were not. There are investments for the Champagne and Aishihik First Nations and for the Carcross-Tagish First Nation. I might add that a lot of these relate to capacity development, training and other important areas.

There are investments for the Tr'ondëk Hwëch'in First Nation and that includes conservation and hatchery training, for example. There are investments for the Liard First Nation,

which is an investment in a community-based plan for regional substance abuse treatment. We've heard on many occasions discussions on that particular issue. There are also investments for the White River First Nation and of course, for Kwanlin Dun First Nation. Some significant focus has been developed in collaboration between the Yukon government and First Nations, and that is land-based healing facilities; also a collection of Kwanlin Dun First Nation oral histories.

These are examples of how we have worked very closely with Yukon First Nations. It's all part of that partnership that the Yukon Party government has established and builds upon.

Also, Little Salmon Carmacks First Nation is getting an investment for traditional governance, and the Selkirk First Nation on capital asset management and reporting, for example.

So clearly there's a tremendous amount of collaboration between First Nations and the Yukon public government in addressing the many areas of responsibility and importance to them.

Let me just touch on the Development Assessment branch for the members' benefit. In the budget, the Development Assessment branch will be receiving in O&M dollars \$1.149 million. This is an overall increase for the Development Assessment branch and it breaks down. If you look at the 2009-10 budget, a single year of recovery allocation of \$196,000 was included and some revotes from 2008-09, less the revote of some \$175,000 for 2009-10 totalled in this budget a shift of \$260,000. The 2010-11 budget change reflects a single year of recovery allocation of \$196,000 once again, plus the 2009-10 revote of \$175,000.

So I would hope that the members opposite don't come to the misunderstanding that there has been a reduction because of that revote from 2009-10.

No, it is picked up again in the 2010-11 budget. I just wanted to reflect on that because sometimes we spend a great deal of time going through those matters when, in fact, they are before us in the pages of the budget document for our layman understanding.

Just so the members are aware, the Governance Liaison and Capacity Development branch of the department is receiving \$1.493 million in this fiscal year. Once again, that's an overall increase of \$41,000. Personnel costs have gone up, and this includes the costs associated with an allotment transfer from transfer payments to fund a program and policy analyst position. That is to continue to assist public government in working with First Nations in dealing with capacity challenges that First Nations experience.

Other costs have increased by \$68,000 from 2009-10, which is related to project funding for the northern strategy projects being undertaken by the —

**Chair:** Order please. Seeing the time, the Chair will rise and report progress.

*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:** Committee of the Whole has considered Bill No. 85, entitled *Act to Amend the Motor Vehicles Act, 2010*, and directed me to report it without amendment.

Also, Committee of the Whole has considered Bill No. 81, entitled *Victims of Crime Act*, and directed me to report it without amendment.

Mr. Speaker, the Committee has also considered Bill No. 20, *First Appropriation Act, 2010-11*, and directed me to report progress on it.

**Speaker:** You have heard the report from the Chair of the 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 5:31 p.m.*

**The following Sessional Papers were tabled May 19, 2010:**

10-1-166

Yukon Judicial Council 2009 Annual Report (Horne)

10-1-167

Yukon Advisory Council on Women's Issues 2009-2010 Annual Report (Horne)